

S. HRG. 105-591

S. 1868: THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

HEARINGS BEFORE THE **COMMITTEE ON FOREIGN RELATIONS** **UNITED STATES SENATE** ONE HUNDRED FIFTH CONGRESS SECOND SESSION

MAY 12 AND JUNE 17, 1998

Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.access.gpo.gov/congress/senate>

U.S. GOVERNMENT PRINTING OFFICE

48-618 CC

WASHINGTON : 1998

COMMITTEE ON FOREIGN RELATIONS

JESSE HELMS, North Carolina, *Chairman*

RICHARD G. LUGAR, Indiana
PAUL COVERDELL, Georgia
CHUCK HAGEL, Nebraska
GORDON H. SMITH, Oregon
CRAIG THOMAS, Wyoming
ROD GRAMS, Minnesota
JOHN ASHCROFT, Missouri
BILL FRIST, Tennessee
SAM BROWNBACK, Kansas

JOSEPH R. BIDEN, JR., Delaware
PAUL S. SARBANES, Maryland
CHRISTOPHER J. DODD, Connecticut
JOHN F. KERRY, Massachusetts
CHARLES S. ROBB, Virginia
RUSSELL D. FEINGOLD, Wisconsin
DIANNE FEINSTEIN, California
PAUL D. WELLSTONE, Minnesota

JAMES W. NANCE, *Staff Director*
EDWIN K. HALL, *Minority Staff Director*

(II)

C O N T E N T S

	Page
HEARING OF MAY 12, 1998	
Lieberman, Hon. Joseph I., a U.S. Senator from the State of Connecticut	4
Nickles, Hon. Don, a U.S. Senator from the State of Oklahoma	2
Shattuck, Hon. John, Assistant Secretary of State for Democracy, Human Rights and Labor	11
HEARING OF JUNE 17, 1998	
Akers, John, Chairman of the Board, East Gate Ministries International	48
Gaer, Felice, Director, Jacob Blaustein Institute for the Advancement of Human Rights, American Jewish Committee	44
Land, Dr. Richard, President, Ethics and Religious Liberty Commission, Southern Baptist Convention	40
Mano, The Right Reverend Munawar Kenneth Rumlshah, Anglican Bishop of Peshawar, Pakistan	34
O'Brien, Dr. John, Director, The Global Center, Samford University	51
APPENDIX	
HEARING OF MAY 12, 1998	
Responses to Additional Questions for the Record Submitted by the Committee to Assistant Secretary John Shattuck	69
Prepared Statements of Members and Witnesses	
Prepared Statement of Chairman Helms	81
Prepared Statement of Senator Nickles	82
Prepared Statement of Senator Lieberman	84
Prepared Statement of Senator Dodd	86
Prepared Statement of Assistant Secretary Shattuck	87
Prepared Statement of Senator Thomas	94
Prepared Statement of Senator Ashcroft	95
Prepared Statement of Senator Feingold	96
HEARING OF JUNE 17, 1998	
Prepared Statements of Members and Witnesses	
Prepared Statement of The Right Reverend Munawar Rumlshah (Bishop Mano)	97
Prepared Statement of Felice Gaer	102
Prepared Statement of Dr. Akers	112
Prepared Statement of Dr. O'Brien	113
Prepared Statement of Senator Grams	117
Additional Material Submitted to the Committee for the Hearing Record	
Letter to Hon. Trent Lott, Majority Leader, U.S. Senate	119
Material Submitted by The Anti-Defamation League	119
Material Submitted by The Office for Church in Society—United Church of Christ	120
Material Submitted by The Southern Baptist Convention	131
Material Submitted by The Episcopal Church—Office of Government Relations	132
Statement Submitted by Gerard F. Powers on Behalf of the U.S. Catholic Bishops	132

S. 1868: THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

TUESDAY, MAY 12, 1998

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:15 p.m. in room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms [chairman of the committee], presiding.

Present: Senators Helms (presiding), Hagel, Thomas, Grams, Ashcroft, Frist, Brownback, Biden, Dodd, Robb, Feingold, Feinstein, and Wellstone.

The CHAIRMAN. The committee will come to order.

At the outset, let the Chair express his apologies for the tardiness in starting the hearing. Both parties have their respective policy luncheons on a Tuesday, scheduled to be over at 2, but I walked out on mine and the fuss had just begun. I do not know how it was on the other side, but everybody was calling each other names, and proving it, about half of them. No, seriously, the debate was orderly, but it was very lengthy.

Today's hearing is to assess the incredible and senseless injustice of religious persecution abroad and to focus on legislation designed to end this injustice. Specifically, of course, we will be discussing S. 1868, the International Religious Freedom Act of 1998, sponsored by Senators Nickles, Lieberman, and others. The committee is honored to have already here the distinguished Senator from Connecticut, Senator Lieberman, and Senator Nickles is involved in the meeting that I just left. In just a moment we are going to ask Senator Lieberman to testify on behalf of the proposal by him and Senator Nickles.

I am a co-sponsor of that bill and of course I am hopeful that it will receive broad bipartisan support from this committee and from the Senate as a whole.

Now, the committee will also hear today the administration's perspective on the state of religious freedom abroad, as well as what steps have been taken to address this persistent human rights problem. The committee has led several historic steps taken by the Senate in recent days to advance U.S. foreign policy interests, including passage of a far-reaching State Department reorganization, a U.N. reform package, and the NATO expansion treaty.

In the interest of time, I am going to ask unanimous consent that the balance of my statement appear in the record as if read.

[The prepared statement of Senator Helms appears in the Appendix.]

The CHAIRMAN. I see that Senator Nickles has joined us, and we will hear from the distinguished Assistant Majority Leader of the Senate first and then Senator Lieberman. You may proceed, gentlemen.

**STATEMENT OF HON. DON NICKLES, A U.S. SENATOR FROM
THE STATE OF OKLAHOMA**

Senator NICKLES. Mr. Chairman, thank you very much, and I apologize I was a few minutes late. You know how it is to get out of our conference. We are swamped by press, and it is hard to get out.

But thank you very much for allowing me to testify, and I appreciate Senator Lieberman's appearance before your committee as well, and I am happy to co-sponsor with Senator Lieberman and other Senators the International Religious Freedom Act. I would also like to compliment Senator Specter and Congressman Wolf for the work that they have done. We have a little different approach, but they have also been very, very active in highlighting the problems of religious persecution.

Mr. Chairman, I have a statement I will ask for your permission to enter as read. But just looking at the last two days, in the *New York Times* there is an article, in yesterday's paper: "Pakistani Catholic Cleric Buried; Muslims Burn Christian Homes." The Catholic bishop committed suicide to protest religious discrimination, to protest religious persecution. That happened in Pakistan. It happened just a few days ago. There were riots and houses being burned, demonstrations by thousands.

Religious persecution happens today, in 1998, and it is costing lives. It is serious; it is real. It needs to be addressed.

There was an article in the *Washington Post* two days ago: "China Frees Elderly Catholic Bishop," to end his 3-year sentence to re-education through labor. This bishop is 78 years old. So when he was 75 years old he was sentenced to three years of labor for re-education. Why? Because he is a Catholic bishop, and he has allegiance to the Vatican instead of to the communist organization. That is happening today in China.

I am pleased they released him. I compliment the Chinese government for releasing him. But they still are detaining other leading bishops, including—I cannot pronounce the names very well—Bishop Zu Zemin and An Shuzin. They remain in detention. Those are bishops. No telling how many other people are held in detention, in prison, for re-education through labor. Why? Because they are trying to express their right to worship. Why? Because they have a home church or because they meet with fellow believers.

Again, this was two days ago. This is happening in countries like Pakistan and China. It is happening in Egypt. It is happening in many, many countries all across the world.

Well, what do we do about it? two years ago the Senate passed a resolution. I was pleased to sponsor it. Many others co-sponsored it. It passed unanimously in the Senate. This resolution said we should do something; Mr. President, do something. Have an official in the State Department monitor this, pay attention to it, call attention to the offending countries, make sure that they are aware,

when there is religious persecution, that it is wrong and that this government is not going to sit idly by and just do nothing.

Well, we passed that resolution unanimously. It was a sense of the Senate resolution. It did not have the force and impact of law. Frankly, this administration has not paid very much attention to it.

Mr. Chairman, I think we need to do more, and that is why Senator Lieberman and I have introduced this bill. This bill has a little different approach. It says we have religious persecution in any number of ways and avenues by different countries in different degrees, and that those countries need a different response; and so possibly we should give the administration some flexibility on what the response should be, but there should be a response. We should have a monitoring of religious persecution and we should have a report. We should know exactly what countries are persecuting and what they are doing.

So they will have to report. We will have an individual both in the State Department and also the National Security Advisers, top level officials, to monitor and to report, and also to come up with a menu of options, what can be done, instead of saying: Well, wait a minute; if you are guilty of persecution in one degree, well, we will have a total economic embargo or we will have a total cutoff of military aid, as some have proposed. I do not think that is necessarily the right solution.

As a matter of fact, I do not like sanctions. Senator Grams and I mentioned this before: I am not an advocate of sanctions every time. But I think you need some leverage. So instead of having one of the options be a 100 percent cutoff of any economic aid, the administration would have the flexibility to do partial restriction of economic assistance.

Take for example in Egypt. There is significant persecution of the Coptics in Egypt. So is the solution an economic embargo of Egypt and a cutoff of 100 percent of economic aid to Egypt? Probably not. Most people would say that that is too stiff of a penalty and it would have repercussions that go far beyond what we would want to do, both that is in our interest and in Egypt's interest and in the interest of the Middle East.

Well, should we not give the administration the flexibility to come up with a partial reduction of foreign assistance in lieu of leverage to try and make change? Our intention with this bill is results, not to punish countries, not to come up with a hammer over their head. But our intention with the bill is to make improvements to lessen religious persecution. That is our objective.

We want people everywhere, all across the world, to be able to practice their faith without their governments prosecuting them in the process. We want our government to be involved in monitoring it, to work to lessen religious persecution and prosecution all across the world. That is the essence of our bill.

Again, I want to thank Senator Lieberman for co-sponsoring it, and other colleagues who have joined us as well. We think it is a big improvement over other legislative proposals that have been bandied about. Although the objectives are probably somewhat similar, I think this is a better approach.

So Mr. Chairman, I appreciate very much your willingness to have a hearing on this bill and I look forward to working with you and other members of the committee to see if we cannot make a real, not just a statement, but a real positive act to improve religious freedom throughout the world.

[The prepared statement of Senator Nickles appears in the Appendix.]

The CHAIRMAN. Thank you, Senator. Senator Lieberman.

**STATEMENT OF HON. JOSEPH I. LIEBERMAN, A U.S. SENATOR
FROM THE STATE OF CONNECTICUT**

Senator LIEBERMAN. Thanks very much, Mr. Chairman. I am honored to be here. I appreciate very much the opportunity to work with Senator Nickles and yourself and others on behalf of this legislation.

I must say that I regard this occasion with mixed emotions. It is in one sense solemn, because our presence here today is prompted by an outrage, and I do not know any other word for it, of the fact that around the world as we gather here in all the freedom that we enjoy here in the United States of America, millions of religious believers are living under the unrelenting fear of imprisonment, torture, abuse, or even death simply because they choose to express their faith in God.

Yet this occasion is also hopeful, because I believe that the legislation before the committee today, S. 1868, the International Religious Freedom Act, has the potential to galvanize our government to take responsible and effective action against such oppression of the faithful.

Mr. Chairman, as you know, there are those within our country and certainly those outside who would say that we not only do not have an obligation to be involved in this area, we do not have a right to take a stand against religious persecution in foreign countries, because they are foreign countries and it is none of our business, that our foreign policy ought to be based on strategic or economic interests.

I disagree, and I know that most of my colleagues here in the Senate do. I begin, if I may, with the words of the Prophet Isaiah: "Seek justice. Encourage the oppressed. Learn to do right."

It seems to me that for Americans particularly, silence in disinterest on matters of religious freedom are not acceptable options. We in this great country bear a special obligation in this regard historically because our Nation, after all, was founded by men and women seeking refuge from oppression for their religious faith.

Remember the opening words of the Declaration of Independence, which are words of faith: "That all people are endowed with inalienable rights," not by any committee of humans or by any committee of legislators, but by our creator. Remember, the Bill of Rights enshrines religious freedom as the first freedom.

That promise has been made real for succeeding generations of Americans. I was thinking as I was walking over here, if you will allow me, Mr. Chairman, a personal digression, of my grandmother, who I have often said to people was—let me put it this way: I have never met a person who loved America more. Why? Because she spent a good part of her life in another country where

she was denied basic freedoms, and most dear to her was the freedom to worship God as she chose to, without fear of harassment or worse.

So when we embrace—whether we embrace this principle enthusiastically or admit it reluctantly, the fact remains that much of the rest of the world looks to our Nation for moral leadership. Paul Wolfowitz said a while ago that the fundamental goal of America's foreign policy in the twenty first century is to make sure that that century is not a repeat of the twentieth century. Two world wars, a cold war, and the brutal slaughter and repression of millions of people by totalitarian regimes have made this last 100 years probably the bloodiest in the history of mankind.

An enormous number of those victims were perversely singled out because of their faith. This cannot be allowed to continue. But if we choose to ignore the oppression, who then will be responsible for the results?

Mr. Chairman, as Senator Nickles has said, this problem is real and urgent, and it is not limited to any particular faith nor any particular religion. I cite just a few areas of concern.

Russia. Last summer Russia passed one of the most restrictive laws since the Soviet era, effectively shutting down a number of independent Christian churches and religious organizations and severely restricting the religious freedom of its citizens.

Pakistan. Senator Nickles mentioned these blasphemy laws, which make any derogatory remark about the Prophet Mohammed a capital offense. They have been used to terrorize Pakistan's minority faiths, particularly Christians. Just two weeks ago a Pakistani Christian named Ayub Masih received a death sentence under this law on suspicious and unproven charges leading to the sudden and tragic death of Catholic Bishop John Joseph.

China, the Nation with the world's largest total population, also has the unfortunate distinction of having, as far as I know, the world's largest population of people imprisoned for their religious faith. Catholics, Protestants, Muslims in the north and Tibetan Buddhists all suffer under China's controls on religion.

Vietnam. Unfortunately, the recent market reforms in this communist nation have not been accompanied by sufficient reforms in personal freedoms. Buddhist monks, Catholic priests, Evangelical pastors, and lay believers of several faiths suffer under the constant threat of arrests, beatings, and imprisonment.

Finally I mention Egypt. Besides severely restrictive policies against church construction and repair, Egypt has been home in recent years to serious violence against Coptic Christians.

Mr. Chairman, the International Religious Freedom Act offers real solutions to these real problems of discrimination and persecution based on religion. It is balanced and comprehensive. It guarantees that our government will take the most effective action against religious oppression and stand up for the rights of the faithful and therefore be true to our unique founding ideals by putting the pursuit and protection of religious freedom at the heart of our foreign policy, where it belongs.

The act begins with a clear and comprehensive definition of religious persecution, encompassing any violations of the internationally recognized norms of religious freedom. That includes both acts

of overt violence as well as onerous policy restrictions on the faithful. It might be called discrimination instead of persecution. In other words, we are talking about basic human rights standards.

Paul Marshall's seminal work, "Their Blood Cries Out," which has served as a manifesto for the recent movement against religious persecution, defines religious persecution as "in general, the denial of any of the rights of religious freedom."

Mr. Chairman, here I want to note that this broad definition of religious persecution is premised on the hard lessons of history. Violent reigns of terror have usually begun with less violent, but nonetheless insidious, acts of oppression. The fact is that the seeds of Hitler's genocidal death camps in the late 1930's and 40's were planted in the early 30's, when Nazi policies restricted and stigmatized Jewish people and other people.

We must not wait until it is too late. We must attempt to excise the roots of religious persecution before they have a chance to spread.

Mr. Chairman, the first and in many ways the most difficult task in combating this problem is to report the facts. Here is where this legislation I think will do very well. The light of truth-telling must expose these dark deeds. Only when we know can we then act.

Over and over again, as many voices have been raised to draw attention to religious persecution, the response we have heard from an awakened public has not been "I do not care," but rather "I did not know." When the facts of religious persecution are told, they speak for themselves and action will follow.

Mr. Chairman, in this regard I want to join Senator Nickles in paying tribute to the band of believers and battlers who have in recent years brought this problem to the forefront of our attention—Michael Horowitz, Nina Shea, the host of leaders in the religious communities, and our colleagues here in Congress, Senator Specter and Congressman Wolf, many others who have worked tirelessly, first to inform the rest of us and then to lead the fight against the scourge of religious persecution.

The Wolf-Specter legislation is a pioneer in this historic awakening of a common cause that we share. Senator Nickles and I have offered slightly different legislation, which in balance I think is more comprehensive and ultimately will be more effective.

I hope in the end, if the House goes ahead this week, as it appears they will, and adopts a form of the Wolf-Specter proposal, that we in the Senate under this committee's leadership will adopt a form of the legislation before you today, and that in conference we can blend these two proposals to produce legislation which the President can and will sign.

In summary, Mr. Chairman, the International Religious Freedom Act provides tools to every arm of U.S. foreign policy apparatus to ensure that combating religious persecution is a top priority. In a larger sense, I believe that this bill and the movement that sparked it may herald a renewed vision and purpose for our foreign policy. So much has been said about the lack of focus in our foreign policy following the end of the cold war. That debate will not be ended by this legislation, but it is my strong conviction that our international interests must include this great moral purpose. None is

greater or more American than protecting the freedom of religious believers.

In standing for the rights of the faithful around the world, we will still for the right, and when America stands for the right we are at our strongest.

I thank you, Mr. Chairman.

[The prepared statement of Senator Lieberman appears in the Appendix.]

The CHAIRMAN. Thank you very much to both of you for two excellent statements.

I know both of you have other appointments you have got to keep, but before you depart let me raise a question or two. It occurs to me that since the key State Department and White House officials are present to testify and/or respond to questions. It might be useful for you to describe what you are hearing about this issue in churches and synagogues in Oklahoma and Connecticut and elsewhere in the country. Would you do that for me, Don?

Senator NICKLES. Mr. Chairman, I will be happy to. I tell you, my first response was thinking of a trip that I had in China and speaking to ministers of the home churches that were being persecuted. There was kind of a cyclical persecution. At times the government might be a little more flexible and let them out. Evidently they let this one bishop out prior to the President's visit, and I compliment them for doing that, but they are still detaining many, many others. It would be nice to have a report saying how bad it is, how many people are being detained.

So that is one of the purposes of our legislation, to really have a good accurate account. Our legislation says this information will be put on the Internet. We will find out. We can let the world know.

Senator Lieberman made a good example. That is one of the first cures of this problem, is to expose it when it happens. So I think that will be helpful.

But I have had from those contacts maybe a real interest. When I have met with some of the leaders of home churches there, I also met with government officials, and basically they denied most any impact and certainly in "persecuting" the Catholics who had an affiliation with the Vatican. But obviously, by releasing this one person, they have been persecuting some people from the Catholic church that had some connection with the Vatican.

So I think this is all positive in maybe eliminating the problem in trying to find a resolution to it. How many people from Oklahoma? Yes, I have had constituents in Oklahoma, members of church groups, who have been active. We had one, actually an Oklahoman who has been very active with me, who is imprisoned in Nepal, and is from Stillwater, Oklahoma. Our office intervened. We were successful after some period in time, meeting with the Ambassador and so on, in getting this individual out of jail.

But it is a problem that unfortunately is worldwide and affects all of us. I think if we are aware of the magnitude of the problem I do not think we can sit back and do nothing. I think we have to try and figure out how can we do something that will not do more harm than good.

Everybody who has voiced themselves on this issue I think has very good intentions. It is a question of can we come up with the right combination of diplomacy, sanctions, et al., to make sure we maximize the improvement, and the improvement being in the free exercise of religion worldwide.

The CHAIRMAN. Thank you.

Senator Lieberman.

Senator LIEBERMAN. Mr. Chairman, it is a very important question. I must say as I talk to people in all religions at home in Connecticut this problem has gained greater visibility I find that people are surprised. This has been an untold story in world events, and people are not only surprised, they are agitated and they want us to do something about it because of the value that all Americans give to religious freedom.

The other point to make is that this problem is not a problem that is focused on any one religion around the world. The truth is that you can find places where people of almost any religion in the world are being persecuted today. It happens—and this is probably why it took a while for this particular problem to receive the attention it deserved in our country, where the majority of the population is Christian. It happens that most of the victims of religious persecution around the world today are Christian. Perhaps because of the tremendous freedom that we all enjoy here, it was hard for people to understand that or appreciate it, until of course they were informed of it.

I find in the end that—and you will see this I think in the broad array of religious groups that are supporting some legislative response to this problem—that ultimately the response has been very unifying, because I think we do understand the words of Pastor Niemuhler during the Nazi time, that when one person's religious freedom is compromised ultimately we are all going to be victims of it.

So I think there is a rising chorus of appeal and support for this kind of legislation.

The CHAIRMAN. One other question, then I will let you go. I would like you to stay around, but I know you are otherwise occupied.

We are going to hear from a representative of the administration in a few minutes. I am interested in your view of the administration's position on this bill, S. 1868. What do you think? Do you have any opinion about that?

Senator LIEBERMAN. Well, I should leave that to Mr. Shattuck. I gather that the administration is not supportive of this legislation, in general, but would like to work with the committee on this particular legislation. I do not honestly know the details of the position, but I do want to stress, Senator Nickles talked about the details of this bill. It is fact-based. It creates quite an ascending array of options of responses for our government.

It does not just say, here is a two by four, any time you see any problem here, hit somebody over the head with it. It begins with notification, disclosure. It can involve a diplomatic demarche and then leads on ultimately to the possible suspension of aid and the rest.

So I hope that—this administration has heard the rising chorus of concern about this problem and has spoken to it and put out a very impressive report on this problem, which will be formalized if this legislation before you is adopted. But we think that it demands—that the problem is serious enough to demand the kind of, well, legal institutionalization, permanentization, if there is such a word, of the approach embodied in the values and the programmatic response endorsed by this legislation.

Senator NICKLES. I am hopeful, Mr. Chairman, that the administration will support this. If they have any particular problems with it, we have never said it was perfect. We would be happy to consider anything that they have.

I do think that we are trying to emphasize this more than a sense of the Senate resolution. We have done that, we have been there, and yet we still see things happening like in China, in Russia, in Egypt and Pakistan. We do not think that a total cutoff of aid and total economic sanctions are the right solution. So we have given them a whole menu of options, trying to give the administration and succeeding administrations more tools in their arsenal, I guess, in negotiating with other countries so we can make real improvements.

Again, I do not like sanctions. I think usually they hurt ourselves more than they hurt other countries. So maybe this will lessen the likelihood of real economic sanctions by giving a menu of options that will bring about some results that will be able to stop problems before they become too big, help create a climate for religious freedom. That is our real objective.

So I am hopeful that the administration will be supportive. I have heard their objections to the other bill that is working its way through the House. I happen to think, in studying this issue, I think this is the preferred alternative. Maybe I am prejudiced to it, but I am certainly open for suggestions.

If our goal is to increase religious freedom and to eliminate religious persecution and prosecution around the world, if somebody has a better idea I am happy to listen to them and see what we can come out.

I would agree with Senator Lieberman, I want to compliment Senator Specter and Congressman Wolf for their initiative, for their bringing this issue to the forefront, for increasing the observances of religious persecution. I think that is important. I think this is a better legislative alternative, but I will be happy to work with them as well and to try and come up with a package that hopefully the administration will agree is in the best interests of our country as well.

The CHAIRMAN. I think we ought to give somebody on this side a chance.

Senator DODD. Thank you, Mr. Chairman.

I want to commend my colleagues and, Senator Nickles will appreciate, a special commendation to my colleague from Connecticut, who has worked a lot of these issues very, very well and brings this once again I think very important set of issues.

One of the things I—and I will ask unanimous consent to have a statement that I have prepared to be included in the record.

The CHAIRMAN. Without objection.

Senator DODD. I think we take it so much for granted in our own country. We have such a wonderful diversity in this Nation. I think there are more mosques, synagogues in this country per capita than any other nation in the world. It is a great tribute to our Nation that we welcome people from all over the globe, many of whom have come to our shores because of religious persecution historically; that we raise this issue and make it very much a part of the fabric of our foreign policy.

I must say, I think what Senator Nickles and Senator Lieberman have offered us here—and I say this, as they have, with all due respect to the alternatives that have been raised—what they are proposing here allows for the kind of flexibility that I think all of us would like to see in this area. Certainly freedom of expression, freedom from the kind of abuse that we are seeing in certain parts of the world today, are all very important rights as well that we want to enshrine and protect along with the right of the freedom of expression, religious expression.

This bill they are proposing gives us in my view that level of flexibility which our President and Secretary of State are the ones ultimately going to be charged with the responsibility of carrying out what we are including here, what they are suggesting here. It is not something we can legislate in every detail. We have really got to rely on the executive branch to become the administrators and the ones who prosecute, if you will, the goals contained in the legislation.

So I think this is a very, very sound initiative. I am anxious to hear what Mr. Shattuck has to say. Others may have some suggestions here, but I commend our colleagues for bringing this to our attention.

As my colleague has said, this is an issue we hear more and more and more about. I recall years ago, Mr. Chairman, just anecdotally, being in China and wanting to go to mass on Sunday, and there was a mass. I was told there was a mass. I went to this mass and in fact went to communion at this mass, and only then found out afterwards that in fact it was sort of a—it was not the recognized Catholic Church. It was one that was sort of put up, a kind of a phoney mass in a sense, where you are not allowed to—Catholics were not allowed to practice their religion.

Today I know things are changing in China, but there are still serious problems of persecution. But that goes on all over the world.

So I thank our colleagues. This is very, very helpful.

[The prepared statement of Senator Dodd appears in the Appendix.]

The CHAIRMAN. Thank you, Senator.

Well, thank you, gentlemen—

Senator NICKLES. Thank you, Mr. Chairman.

The CHAIRMAN [continuing]. for being with us. Some Senators may have questions to file with you in writing and I know you will respond to them. But thank you very much.

Senator LIEBERMAN. Thank you, Mr. Chairman.

The CHAIRMAN. The second panel consists of the gentleman who has been referred to several times already today, John Shattuck,

Assistant Secretary of State for Democracy, Human Rights, and Labor. If you will come forward, sir.

You may proceed. We welcome you here and appreciate your coming to discuss it with us and perhaps answer some questions.

STATEMENT OF HON. JOHN SHATTUCK, ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. SHATTUCK. Thank you very much, Mr. Chairman.

I do have a lengthy statement which I will submit for the record and summarize orally in a shorter period of time. I also have two other documents I would like to submit for the record. The first is a report that was done in July of last year, "U.S. Policies in Support of Religious Freedom: Focus on Christians." The second is an interim report of the Secretary's Advisory Committee on Religious Freedom Abroad, if you would allow me to submit those.

The CHAIRMAN. Without objection, both will be included and printed in the record.¹

You may proceed.

Mr. SHATTUCK. Thank you very much, Mr. Chairman.

Mr. Chairman, I really would like to thank you for the opportunity to appear before you on what is clearly a momentous matter. As both Senator Lieberman and Senator Nickles have indicated in their testimony, this is a subject of profound importance to our country, to our administration, and I know to the Congress.

The administration has been privileged to work closely with the members of this committee to address a wide variety of human rights issues, and we applaud your efforts on human rights and religious freedom. We look forward to working with you on this particular matter of crafting appropriate responses to the crisis of religious freedom abroad.

Mr. Chairman, the President and the Secretary of State have demonstrated to our friends and foes alike that advancing religious freedom is a matter of the highest concern in our foreign policy. Religious freedom is a basic right, a concept basic to every one of the world's major belief systems. It is an internationally recognized human right. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize that all citizens have the right to freedom of thought, conscience, and religion. This right is inherent in the dignity of every human being. No government can legitimately deny it, no matter what the justification, for it is universal, inalienable, and endowed by virtue of a person's birth.

Unfortunately, there are some in the world today who refuse to recognize the right to religious freedom. Whether Christian, Muslim, Buddhist, Jew, Hindu, Baha'i, or of another creed, believers around the world continue to suffer for their faith.

¹The reports submitted by Mr. Shattuck, "U.S. Policies in Support of Religious Freedom: Focus on Christians," and "Advisory Committee on Religious Freedom Abroad, Interim Report to the Secretary of State," have been retained in committee files and may be viewed upon request. Both reports are also available on the Internet at the following Web Sites:

http://www.state.gov/www/global/human__rights/970722__relig__rpt__christian.html
http://www.state.gov/www/global/human__rights/980123__acrfa__interim.html

Take, for example, the case of Ayub Masih, a Christian from the village of Arifwala, Pakistan, who has been sentenced to death for blasphemy. His crime? A Muslim neighbor had accused him of making derogatory statements against Islam. In spite of his denials of the charge, Masih is now sentenced to die.

Last Friday Karl Inderfurth, the Assistant Secretary for South Asian Affairs, and I met with Pakistan's Ambassador to deplore and condemn the imposition of a death sentence on any individual for the peaceful expression of his beliefs and to call upon the government of Pakistan to repeal their blasphemy law.

We also expressed our sorrow at the tragic death of Bishop John Joseph, who dedicated his life to defending the rights of all religious minorities to worship freely, and we expressed deep concern over reports that Pakistani troops had fired tear gas at mourners during the bishop's funeral procession.

Mr. Chairman, suppression of the right to religious freedom not only is an intolerable invasion of an individual's basic human rights, it also can lead to grave consequences for political and economic stability. If people lack the freedom to practice their faith, it is likely that other human rights will be restricted, that intolerance and violence will be more prevalent, and that liberty and justice will be impeded.

In Sudan, a bloody civil war fueled by an extremist regime's intolerance of Animists, Christians, and some Muslims has continued unabated. Iran's religious minorities continue to experience discrimination and persecution, particularly Evangelical Christians and Bahai's. In the aftermath of the Pope's visit to Cuba, Mr. Chairman, the government still maintains extensive restrictions on religious activities. The church has little or no access to the media and cannot publish religious material, sponsor social events, or establish schools.

In Russia, a new restrictive and potentially discriminatory religion law could affect minority religions, including some offshoot Orthodox groups. The President has repeatedly raised our concerns about this new law with President Yeltsin and will submit a report to Congress on this issue later this month.

In China, unofficial religious groups, including Protestants and Catholics, have experienced varying degrees of oppression. In some areas house and unofficial churches worship without interference, while in other areas religious believers have been subjected to tight restrictions and harassment. In Xinjiang and Tibet, tight controls on religion have continued and in some cases intensified.

Mr. Chairman, these are just a few examples of the violations of religious freedom that we see in many parts of the world today. This administration is committed to confronting these violations, has done a great deal to address them no matter where they occur. I would like to outline some of the steps we have taken to implement the commitment that has been made by both the President and the Secretary of State.

First, we have significantly increased our diplomatic work, starting when Secretary Albright took office and immediately directed all U.S. Ambassadors to make religious freedom a top priority. Let me give you a few examples.

During our trip 10 days ago to China, Secretary Albright and I raised the issue of religious freedom at the highest levels, including with President Jiang Zemin. Last Saturday we received word that two of the individuals whose cases we raised, Bishop Zeng Jingmu and Father Lu Gengyu, have been released from prison. This is a positive development, but we are concerned by reports that Bishop Zeng has been placed under house arrest. Furthermore, these cases are only two among many. We have called upon the government of China to respect the rights of its citizens to express their faith freely and to release all those held for peaceful expression of their religious or political beliefs.

In Turkey last year, the Governor of the province of Mardin suspended permission for the Syriac Orthodox Church to provide religion and language classes to the local population. This decision came after a dispute over the renovation of the church's fourth century monastery, leading to a police order to halt work. In February, on my most recent trip to Turkey, I met first with the Governor and then with Metropolitan Aktas and brought them together. I secured from the Governor a promise to extend written authorization for religion and language classes to resume and to permit church officials to move forward with their renovation of badly deteriorating religious buildings.

In Saudi Arabia, freedom of religion does not exist, as the government prohibits the public practice of religions other than Islam. Secretary Albright and Ambassador Wyche Fowler have encouraged the Saudi government to make progress on religious freedom. We note as a positive development that Defense Minister Sultan stated publicly last fall that the Saudi government now does not prohibit non-Muslim worship in the home.

In Vietnam, Ambassador Pete Peterson has been forceful in challenging the government's restriction of religious practices and control of organized religious activity. The Ambassador instructed his staff to establish broad contacts with Catholic, Protestant, and Buddhist groups and to visit churches and temples in Hanoi and the countryside. In addition, Ambassador Peterson has intervened on behalf of American citizens penalized for importing religious materials and Vietnamese citizens under arrest for the peaceful expression of religious beliefs.

There are many other examples. Let me just give you a few more. In Austria, the embassy, the U.S. embassy, engaged the foreign ministry on behalf of non-recognized religious groups that had problems obtaining resident permits for foreign religious workers. In response, the Austrian government adopted administrative procedures that helped alleviate the problem.

In Greece, the embassy staff traveled to Crete to investigate problems of a charismatic Christian group that the government had not allowed to proselytize. The visit resulted in the government entering into a dialog with the group.

In Laos, Ambassador Chamberlin intervened to secure the release of a number of American and Lao Christians detained for the peaceful expression of their religious beliefs. She emphasized the importance to the United States of upholding international standards on human rights, including religious freedom.

Along with this type of intensive diplomatic activity, which I should say, Mr. Chairman, is now an order from the Secretary to occur virtually worldwide, the State Department has significantly expanded its public reporting on limitations to religious freedom in our annual country reports on human rights practices which provide information on 194 countries and territories with new and expanded consideration and treatment of religious freedom.

The United States also employs targeted restrictions on countries, including economic sanctions, trade limitations, and visa restrictions. After Deputy Assistant Secretary of State Gare Smith traveled to Sudan last summer to gather information on religious persecution, slavery, and prospects for a peaceful end to the civil war, President Clinton imposed sweeping new economic sanctions against the government of Sudan based on those findings.

The Secretary has also taken action to institutionalize the U.S. Government's commitment to religious freedom abroad. One demonstration of this approach is her interaction with her Advisory Committee on Religious Freedom and her move to implement its recommendations, which I have submitted for the record.

The advisory committee's 20 members are U.S. religious leaders who represent millions of Americans of all major faiths and denominations. The committee's interim report of January 1998 provides many practical recommendations on how U.S. policy can more comprehensively integrate protection and promotion of religious freedom abroad.

The Secretary accepted the advisory committee recommendation to establish a senior level position and office in the Department of State to coordinate, integrate, and implement policies that institutionalize the promotion of religious freedom in our foreign policy. This will be a major position at the level of deputy assistant secretary. We anticipate being able to announce the Secretary's selection for this position in the very near future and will consult with you, Mr. Chairman, and other Members of Congress on this important decision.

The administration has also been a leader in religious reconciliation and interfaith cooperation in countries torn by religious and ethnic conflict. Consistent U.S. leadership has been critical to the peace processes in the former Yugoslavia, in Northern Ireland, and in the Middle East, where the work is so difficult.

Our work to promote human rights, justice, and the rule of law also facilitates religious reconciliation. For example, the United States was the leader in creating the International Commission on Missing Persons in Bosnia. The commission is chaired by former Senator Bob Dole, who is doing an outstanding job of applying pressure to the regional parties throughout former Yugoslavia to expedite resolution of missing persons cases, providing assistance to the families of the missing, and supporting the exhumation process and identification of remains where possible.

At the heart of the conflict in the former Yugoslavia was, of course, the terrible attacks on people based upon their religion, and the Dole commission is at the heart of our efforts to promote religious and ethnic reconciliation of the region.

We are also working to strengthen our commitment to religious liberty through our role in the asylum process. We have stepped up

our support for INS asylum officers and immigration judges by providing them with expert advice on religious freedom conditions and recent political developments overseas. We have in the past year been reporting additional information to the INS on conditions of religious freedom in countries around the world, so that they can take much more active involvement in providing access to asylum.

Mr. Chairman, I think this summarizes briefly the administration's actions and efforts and views on the importance of promoting religious freedom in our foreign policy and the problems and crises of religious freedom around the world.

With that important background, let me now turn to the work before this committee, S. 1868, the International Religious Freedom Act. We commend the bill's sponsors and certainly support the objectives of eliminating religious persecution and promoting religious freedom. We appreciate the efforts of Senator Nickles and you, Mr. Chairman, and other sponsors, including Senator Lieberman and other Senators on the committee, to craft a bill that reflects our shared focus on these issues. We recognize that this Congress, like this administration, has focused far greater attention on this issue than any of our predecessors.

With this in mind, we remain committed to engaging with you on this matter. We seek to work with you to advance religious freedom through a variety of means. Such efforts will send a strong message that both the administration and the Congress stand united in support of religious freedom around the world.

As I have outlined, Mr. Chairman, we are actively engaged in this struggle. Considering further initiatives, we believe that legislation best serves our mutual goal of promoting and upholding religious freedom when it consolidates and strengthens existing mechanisms, rather than creating new ones in their stead.

With that in mind, let me summarize our position on the legislation. I am pleased that your staff is working with us to discuss these issues in greater detail so that we might best address concerns that we have in the bill. We want to work with you so that, as Senator Nickles said, we can strengthen our efforts to respond to religious persecution in a way that does not do more harm than good.

We have specific concerns about the bill's sanctions and reporting mechanisms, its definition of religious persecution, its waiver provisions, its mandating of new reports without providing additional resources, its creation of overlapping new institutions, and its establishment of a hierarchy of human rights which appear to treat religious persecution as more serious than other types of human rights abuses.

Our first major concern is the bill's requirement that the President impose one or more of 16 executive actions and economic sanctions on any country publicly identified in a report as engaging in or tolerating religious persecution. We are concerned that the bill's annual public designation of sanctionable countries does not leave room for incentives and dialog in promoting religious freedom of the kind that I have been talking about encouraging further improvements in some countries.

As I have discussed, positive results can be achieved by stepped up and carefully planned diplomacy. We also believe the sanctions

provisions could be counterproductive. In particular, while imposition of sanctions is likely to have little direct impact on many governments except to cutoff our diplomatic channels, it could at the same time run the risk of strengthening the hands of those governments and extremists who seek to incite religious intolerance.

We fear that sanctions could result in greater pressures in some countries and even reprisals against minority religious communities. We also believe that sanctions could have adverse impact on our diplomacy in places like the Middle East and South Asia, undercutting administration efforts to promote the very regional peace and reconciliation that can foster religious tolerance and understanding.

Our second major concern is the bill's definition of religious persecution: "Any limitation on the right to religious freedom," without specifying a threshold of severity to make a country sanctionable. We agree that all violations of the right to religious freedom are important and must be addressed. They should not, however, all be categorized as religious persecution, which has a particular meaning in domestic and international law.

With so broad a definition, the term "religious persecution" would lose its meaning and power, thus making it difficult for the United States to address serious or widespread violations and secure positive change. In fact, a majority of the countries in the world, many with overall good practices on religious freedom, could under the definition in the bill be categorized as engaging in some form of religious persecution.

In Austria, for example, religious groups that qualify for registration and recognition are granted certain benefits and subsidies, but that is not available to other groups, and registration at the same time is not in fact required nor is freedom to worship restricted. The bill thus could designate an entire country as a persecutor without necessarily looking at the distinctions about what is being done.

Our third major concern is the nature of the bill's waiver mechanism. Under the bill the President could waive sanctions for reasons unrelated to religious freedom if he determines that such a waiver would be in the national security interest of the United States. We believe, Mr. Chairman, that national security is too high a standard and could unduly limit the President's ability to protect a wide range of important, potentially vital national interests unrelated specifically to security.

A change in the waiver standard from national security to national interest would ensure that all the interests of the American people are protected by the bill.

Our fourth concern is that the bill would create significant new reporting, training, and other requirements without providing for additional resources. As our recent practice so clearly indicates, we understand and appreciate the desire of Members of Congress for expanded monitoring and reporting on religious freedom issues, and we are prepared to work with you to explore efforts to broaden our already very significant reporting activities. But we fear the current provisions of the bill are not workable.

According to the bill's provisions, five separate reports would have to be prepared each year. First, the annual country reports

on human rights practices, which would be released on January 31st; second, the annual report on religious persecution, which would be due on May 1st; third, the Presidential determination and intended action, to be concluded by June 1st, 30 days after the submission of the annual report; fourth, the report of the new Commission on International Religious Persecution would be due on August 1st; and finally, the President's report to Congress on his determination and intended action would then follow a month later on September 1st.

These reports, certainly all important, are very time and staff-intensive. The preparation of the country reports alone involves embassy personnel, officers from all over the world, and approximately half of the staff in my bureau, who work on the reports throughout the year, but particularly intensively for three months.

We estimate that the additional reporting requirements of the bill could more than triple the workload and decrease the ability of staff to respond to other urgent human rights concerns, including on violations of religious freedom. The new reporting requirements also could obligate the Secretary to identify other human rights programs to be cut or eliminated in order to implement these unfunded mandates.

Our fifth and final concern, Mr. Chairman, is the bill's creation of new institutions that overlap existing ones. The bill would establish an ambassador at large and an office on religious persecution in the Department of State, with the advice and consent of the Senate. The Ambassador would chair a new commission on international religious persecution.

We believe that any legislation should consolidate and strengthen existing mechanisms rather than create new ones. The Ambassador at large position frankly largely duplicates that of the soon to be designated senior coordinator for religious freedom, and the commission in large part replicates the work of the Secretary's advisory committee. We are sure that these issues could be resolved.

In conclusion, Mr. Chairman, we look forward very much to working with the committee, as I have said throughout my testimony, to strengthen our mutual commitment to promote religious freedom, including in this legislative area. The President and the Secretary of State have by word and deed demonstrated that the promotion and protection of religious freedom is a top priority. This committee under your leadership has also played a leading role. In our efforts, we are joined by many courageous men and women around the world, for whom this is not merely a matter of principle, but a matter of great courage and faith, and we must not let them down.

Acting alone, neither the administration nor the Congress can hope to accomplish this important task.

I commend the authors and sponsors of the bill for their efforts and for their contributions to the debate about religious intolerance and discrimination and U.S. policies to address this important concern. We welcome the initiatives and look forward to working with you to develop means to meet our shared goals. Only then will we be able to stop those who would oppress religious freedom and to help those who would promote it.

I thank you, Mr. Chairman, for bearing with me through what I am sure was a lengthy statement for this committee. Thank you very much.

[The prepared statement of Mr. Shattuck appears in the Appendix.]

The CHAIRMAN. To the contrary, it is a very excellent statement of your views, and there does not seem to be an obstacle to getting this job done. If we work together, and you have indicated you are willing to work with us, and I hope that has been a mutual feeling, then we can get this thing done.

Incidentally, we are going to take five minutes per Senator.

On Monday, April 27th, I believe it was, the President dropped in on a meeting involving Sandy Berger and a group of church leaders from the National Association of Evangelicals. It so happens I met with the same group the next day. The President said, and I quote from the April 28 *New York Times*, this is the President speaking: "What always happens if you have automatic sanctions legislation is it puts enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on, and that is not what you want. What you want," the President said, continuing, "is to leave the President some flexibility, including the ability to impose sanctions, some flexibility with a range of appropriate reactions."

Now, when I read that I thought to myself: Good Lord, how often does this sort of thing happen? Ironically—track with me if you will, sir—does not S. 1868 provide the President with precisely what he is asking for, as he puts it, "some flexibility, including the ability to impose sanctions, some flexibility with a range of appropriate reactions"?

Even the bill that we have to work on together at least does that. Yet that is the only criticism the President stated, and I think confusingly so.

What is your reaction to what he said in connection with this bill?

Mr. SHATTUCK. Well, Mr. Chairman, I think the President rightly was indicating the difficulty of making precise decisions on when sanctions or other measures might be imposed. And those are difficult decisions. That said, I stand very strongly behind the accuracy of our Country Report. The President himself has made this point again and again regarding the accuracy of the human rights reporting that has been done by this administration. The Country Reports that you receive every year are carefully compiled from sources all over the world. We basically spare no pains to state facts, no matter how painful they may be to close allies as well as to countries with whom we have significant and even deep differences. Human rights and nongovernmental organizations have repeatedly praised the quality of the reporting on these human rights issues as they have come in, including the religious freedom questions.

So I think the accuracy of the reporting is very, very clear, as is the large amount of information that we have compiled. There is no one size fits all approach toward any country in terms of what a response could be. Every country has to be addressed in a dif-

ferent way, and I think that indeed is the point that the President was making underneath his statement.

The CHAIRMAN. Well, I just do not want to enter into an arrangement by which there is fault-finding in the beginning to forbid or prevent any progress on this thing. Now, if the President is not interested in doing this I wish he would tell me right now, instead of letting me hang fire and this committee hang fire.

Let me go to another question. This past weekend their was reported that the Catholic bishop of Shanghai was released from prison and our former colleague Jim Sasser stated at the time that "his release serves as further evidence that the President's policy of constructive engagement is bearing fruit."

In today's papers, however, it is reported that Bishop Zeng is not really free. In fact, he is under house arrest, and you confirmed that in your written statement. The bishop was jailed in 1995 for holding unauthorized services in a private home. He has spent the last 23 years of his life in jail because of his allegiance to God and the Vatican instead of the official state-controlled Chinese church.

Now, what does this tell you about the President's policy? Is it not a failure at the outset? And that is precisely the reason I think, is it not, why S. 1868 is necessary?

Mr. SHATTUCK. Well, Mr. Chairman, let me just make clear for the record what we know and what we do not know about the circumstances surrounding Bishop Zeng following his release. It has been, as I said in my statement, reported that he is under house arrest. We have not been able to verify that as of the moment that this hearing got under way. We are asking the embassy to find out whether that is in fact the case, but we do not have any confirmation that that is the case.

The fact that he was released, of course, that is to say that his sentence was commuted and that he was released from prison, and he was not asked to leave the country is a positive development. There was another Catholic prelate who was released at the same time.

Let me be very clear—we are not inflating these issues nor are we inflating this progress. There are plenty of others who remain in prison, whose cases we are very actively pursuing. When I was in China with Secretary Albright, at the Secretary's direction I met with the director of the bureau of religious affairs and raised many cases of religious figures who are in prison, both in China and Tibet.

The CHAIRMAN. We could mess around with that a little bit, but I just do not want to play against a stacked deck on this thing. I want all of us, both him and us, to put up or shut up on this business. We are willing to put up, and I do not want any contrived reason for doing this or not doing this. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. Thank you, Secretary Shattuck, for what I would certainly agree with the chairman was a very thorough response to the legislation that has been proposed.

First let me—and I will be very brief because I know others would like to ask questions and we are supposed to have a vote here on the floor in just a minute or two. You made reference to the Wolf-Specter legislation and what have you. I assume from your comments that you have less concern about this legislation

than that legislation. I do not like to generalize, but I would assume that if we were to start or if the administration were to assume a starting point for trying to actually enact legislation, as the chairman suggests, that you would prefer to work from this particular bill rather than that bill as the starting point for full consideration and suggestion of amendment. Is that correct?

Mr. SHATTUCK. Well, there is certainly a fundamental difference between the two bills in the immediacy and automaticity of the sanctions provisions in the Wolf-Specter legislation, where the sanctions immediately follow from a finding of persecution by an office which is not connected directly to the Secretary of State or the President's National security Adviser in a formal way. That automatic triggering of sanctions is a very, very serious concern. It would do far more harm than good, we believe, in promoting religious freedom.

This bill takes a different approach. It does provide for somewhat more flexibility. But as I have outlined, we are frankly concerned about the scope of the definition of religious persecution. It is very, very broad. We are concerned by the fact that many countries—many, many more probably than Wolf-Specter—would very possibly fall into the scope of public reporting and sanctionability. That is, a country would be identified as sanctionable based on a finding of a single act or occurrence of persecution, broadly defined as any denial of religious freedom.

While that is a different approach, it nonetheless raises still some very fundamental questions, because it involves publicly branding a large number of countries at the outset on an annual basis through this reporting process as sanctionable.

We would like to work with the committee to try to address that issue. But it is certainly true that there is more flexibility in terms of the range of responses that are available to the President and the Secretary of State under this legislation.

Senator ROBB. Many of us have difficulty with any provision in legislation that has an automatic trigger for sanctions or sanctionable actions, whatever the case may be. But with respect to this legislation, are there sanctions provisions that you believe that could be worked out that would be entirely acceptable to the administration? You mentioned the definition of religious persecution and what have you is a problem, and definitions are always a bit of a problem. But with respect to sanctions, is it possible to come up with language that the administration would support in this area?

Mr. SHATTUCK. Well, it is both the definition of religious persecution, Senator Robb, and the annual requirement that countries that are sanctionable in the terms of that definition be publicly identified. Those are really at the heart of the scheme of the bill, the structure of the bill that sets up the response process.

We agree with the menu in the sense that every one of the items listed in the menu of responses is an available and appropriate response for the administration to make in some circumstances where religious freedom is being denied. In really egregious cases, after exhausting all other approaches, sanctions may be appropriate, as in the case of Sudan, for example, as I mentioned in my testimony.

But if there is an automatic requirement that a sanction be chosen following this public identification of a country as sanctionable, that undercuts our ability to be able to have the kind of dialog that I was talking about that so many of our Ambassadors are engaged in. And frankly, in the event that action is taken by this kind of strong measure on the outside, it could also deeply affect religious minorities in countries such as Egypt, let us say, where repeated reporting has indicated that there are real threats to particularly the Coptic Christian minority.

So we are concerned about the automatic requirements. There are some more flexible provisions in here, to be sure.

Senator ROBB. My time has expired. I have an additional question that I will put to you perhaps in writing, with respect to the definitions and the differentiation between political and religious beliefs and persecution.

Mr. Chairman, I thank you. I thank you, Mr. Shattuck. Senator Grams.

Senator GRAMS. Thank you very much, Mr. Chairman.

I think it is great that the committee is holding this hearing today to look at some of the problems that this bill is aimed at, the International Religious Freedom Act. I think, as other members on this committee are, we are all concerned about human rights abuses of all kinds, including religious persecution, and we all hope to find ways to speak out against these injustices, to try to find some way to have some influence.

Yet, as I have said many, many times, I do not believe that a club-over-the-head approach is the best way to accomplish the intended purpose. I know this bill provides some options and waivers and Senator Nickles and Senator Lieberman did a great job pointing out the serious problems of abuses around the world in many different countries that this bill aims to expose.

But my concerns are that we may be using the wrong weapons in confronting these abuses documented in many of these countries, and I humbly believe that they will not work. I think it would probably only slow down any progress that we have made.

I know that Senator Nickles said that if anybody has any better ideas that he would like to hear them. Well, I do not have a good idea right now to add to this, but I think that is a good reason why we should maybe expand the hearings and at least take a longer period of time to examine some of the options that this committee has before we go ahead and rush into something that would be counterproductive.

Having said that, I would like to know how you define "gross violators" under this act, and where do you draw the line between the gross violators that are to be sanctioned and subject to Congressional disapproval and the rest of the countries, which can receive lesser sanctions against them? Who will determine that?

Mr. SHATTUCK. Well, Senator Grams, current law actually provides strong authority for our whole human rights work in this field. Section 502(b) of the Foreign Assistance Act at the moment gives us strong authority to make decisions to withhold U.S. assistance from countries that are engaged in large-scale human rights abuses.

We do not feel that it serves any useful purpose to have a list that is put out on an annual basis. In fact, that, frankly, I think would make us less likely to withhold assistance in a broader number of cases where we should be withholding assistance, because then you would only do it in that relatively narrow group.

We think current law is perfectly adequate to assure that the taxpayer dollars of the United States, in the form of direct financial assistance other than for purely humanitarian purposes, are not going to go to countries which are engaged in widespread patterns of abuse.

The legislation, frankly, goes way beyond the existing law in that it mandates an annual report, not only on countries that engage in broadly defined religious persecution, but also on a narrow category of countries that are engaged in gross violations. Again, we think that would significantly set back the process of advancing religious freedom in these countries. It could target those religious minorities that are going to be accused of fomenting U.S. actions against countries. It also would limit our ability to engage in the kind of aggressive diplomatic engagement that we have shown in so many countries that I went over, including Vietnam, Laos, China, and other countries which are particularly important subjects of our concern about religious freedom.

Senator GRAMS. I know we have heard from missionary groups around the world that have told us that a lot of these type of sanctions are counterproductive and, as you have mentioned, it has reversed progress that has been made.

But withholding foreign aid is one thing to penalize somebody, but to put sanctions on trade opportunities is quite another, because we know that this is a global market and if we put sanctions on our companies' ability to trade it just opens the door for other countries and then we lose our ability to have influence. I think as we have influence and people are exposed to our freedoms—and this is the quiet diplomacy that I think works well—that people demand more from within their countries than what we can throw stones or from outside.

But one other question just quickly before my time runs out. What would you envision to be gross violations, or what countries would be determined to be gross violators? And is this going to put pressure not only on this administration, but others, to fudge the decision a little bit, as I think the chairman said, so some countries are not determined gross violators. Does this help our efforts to combat religious persecution?

Mr. SHATTUCK. Well, if you have a list it gets very difficult, as you are suggesting by your question, to make that yearly determination. Is a country on or is a country off? That is not a question of fudging. It is a question honestly of the difficulty of making that kind of very fine distinction.

So the approach that we take, and I think it is the right approach, is to in fact be very broad in our view of what constitutes a violation and find an appropriate tool to respond, including in some instances sanctions, there is no question about it. And we all know the countries that are under sanctions right now. The Congress and the administration have worked very closely together on that.

Senator GRAMS. They should be a last resort, though?

Mr. SHATTUCK. As a last resort, right.

Senator GRAMS. The sanctions.

Mr. SHATTUCK. Right.

Senator GRAMS. I did not mean to interrupt you, but I know we do have some sanctions, so we are not ruling out sanctions altogether. But they should not be one of the first tools out of the box, to combat religious persecution.

Mr. SHATTUCK. Right. But I do think that the annual requirement of identifying countries as sanctionable is itself going to impede the ability to address the persecution that we are talking about here. It will put all of our energy into making that kind of a determination, and then will limit our ability to engage with the countries to try to get the kinds of changes that we want. And in some cases it will have a severe negative impact on religious minorities inside the country.

Senator GRAMS. Thank you very much, Mr. Chairman. I will have additional questions in writing.

Thank you very much.

Senator HAGEL. Without objection. Senator Wellstone.

Senator WELLSTONE. Thank you, Mr. Chairman.

I am not going to being able to come back, Secretary Shattuck, so I thought, first of all, one quick comment and one quick question before running to vote.

I think it was unfortunate the President mentioned, talked about fudging, because I think the assumption some could make would be, well, if these reports will be what triggers sanctions, how much faith can we put in the reports? And I was glad to hear your response on this question.

I have a somewhat different framework. Putting aside the whole issue of trigger, and you've talked about why you are opposed to that, what about the whole question of creating a kind of a hierarchy of human rights? In other words, to focus on religious persecution, but then there are other human rights violations that are terribly important—the right of association, freedom of the press.

Do you have some concern about ways in which this piece of legislation creates that hierarchy? I mean, from my own, let me just simply say, I do. I think persecution is persecution, and we also have some universal declarations dealing with human rights. I am interested in having a broader, more encompassing approach.

Could you respond briefly?

Mr. SHATTUCK. I agree, Senator Wellstone, and I mentioned in my opening statement that the issue of distinguishing between one human rights and another in terms of the way in which it is going to be treated and the way in which our country is going to respond to its denial is a serious concern, and it would be I think a tragic mistake for us to send a signal around the world that we are going to take more seriously one particular human rights than we are torture, extra judicial executions, denials of free speech, genocide, or anything else.

Senator WELLSTONE. Mr. Chairman, there are some 70 countries that today use torture, systematically torture their citizens. It would seem to me that we ought to make sure that—I mean, I am absolutely opposed to religious persecution. That does not even

need to be said. But I think we should also look at these other human rights issues.

If anything, I would like for the administration to be much stronger on these questions, much stronger.

Mr. SHATTUCK. We think it is best to address the range of human rights abuses that occurs in so many countries in a consistent way, so that they are all treated as equally important to the extent that they are equally severe. By contrast, we think the framework of the legislation, that is establishing on an annual basis, a group of countries who are sanctionable, would not be the right framework to pursue even if the hierarchy were eliminated. That is to say, let us say, all human rights were included within this approach.

Senator WELLSTONE. I understand. We may disagree on that.

Mr. SHATTUCK. Right.

Senator WELLSTONE. I just wondered.

We have to vote? You are not voting?

Senator HAGEL. Yes, I am voting. But I have the prerogative of the chair, Senator, so they will hold it open, I think.

Senator WELLSTONE. Thank you.

Senator HAGEL. Thanks, Senator.

Mr. Secretary, it is just you and me. Thank you again for coming up here.

Obviously, I am going to be interrupted during my questions, but I would like to get at two specific things that are in this bill, and then when I get back maybe we can close it.

You I believe did not mention in your testimony or reference the International Criminal Court that is in this bill. That is a concern for a lot of reasons, I think, to many of us. Would you care to reference that? Is that good, bad? What are your thoughts?

Mr. SHATTUCK. Senator, you are catching me a little by surprise. I could certainly talk a bit about the International Criminal Court. Its inclusion specifically in this bill I am afraid is something that I missed. I am being very candid with you here.

I think the issue of an International Criminal Court is an important one, one we want to work closely with the Congress on. I do not believe we have any problem with the provision in the bill relating to the International Criminal Court as such. I do not think the administration is going to address any concern about the bill's approach to this.

Senator HAGEL. The other area is the cultural and educational exchange cutoff, which you may or may not be familiar with. I would be interested in your thoughts on that.

Mr. SHATTUCK. Well, you know, except in countries to which we have applied severe sanctions and which we are trying to isolate, cultural and educational exchanges are generally very valuable in terms of developing means by which we can influence the broader civil society. Such exchanges can be valuable even in countries which may be engaged in some kinds of religious persecution as defined by the bill.

So we feel those kinds of exchanges are extremely important and need to be protected.

Senator HAGEL. So does that mean that you would be for or against the way this is written in this bill?

Mr. SHATTUCK. Well, I think to the extent that the bill mandates or calls upon us to cutoff those kinds of exchanges, except as a last resort where we have decided to isolate a country, I think we would be against cutting off those kinds of things.

Senator HAGEL. It is my understanding in a recent briefing by the State Department to some of the staff people here that you had referenced that in fact this bill as it is written could take in as many as 120 nations in the world where religious discrimination takes place. Is that accurate? Is that right?

Mr. SHATTUCK. I think it is, Senator. I looked at this very closely last summer when we were doing our report on relating persecution worldwide, and we used a fairly narrow definition, narrower, frankly, than the bill before us uses. Even under those circumstances, we found it important to cover 86 countries.

Now, when you have a definition that is as broad as the one in this bill, which is basically any act in violation of religious freedom, it could be read to include, I think, discriminatory actions on behalf of one religion versus another. I mentioned the example of Austria which actually does provide some benefits to one religion and not to some others, even though nobody is required to register and people are allowed to continue to exercise their religion.

It could reach that kind of situation. I think quite a number of countries which have very good human rights records by and large would be sanctionable in the context of the definition of the bill.

Senator HAGEL. How would you handle Germany, for example, regarding the Scientologists?

Mr. SHATTUCK. Well, I think Germany is another example of a country which could be affected by this legislation. How to handle it in the context of the Scientologists and handle it in the context of its restrictive approach toward what it broadly defines as religious sects—and sometimes that can include religious minorities, many others other than Scientologists.

We are engaged very aggressively with Germany in a dialog on this subject. We have some disagreements. That does not prevent us from being allies, very important allies, to promote religious freedom in other parts of the world where there are more severe violations.

I think were we to identify Germany as a sanctionable country, which we would have to do under the provisions of this bill, it would be far more difficult to work with Germany, say in Bosnia or in some other country. We would really end up with a pretty irritating relationship as a result of that sanctionable designation.

Senator HAGEL. I have always been concerned with these kind of bills, as well intentioned as they are, and obviously we all agree with the objective here. But one of the concerns I have is that this would, I think, tend to isolate the United States even more when we look at sanctions and we look at a blueprint for the rest of the world, our blueprint, at a time when there is a rather significant rate of diffusion of geopolitical, economic power in the world.

I get to a point where I ask myself about this bill, is this even relevant to what we would hope to achieve. That, after all, should be always the objective of these things, not just a good headline for somebody or a feel-good resolution and then we build more infrastructure and more bureaucracy at the State Department and we

have more paper and more reports, and really in the end are we doing much?

Would you care to give me your thought on what I just said?

Mr. SHATTUCK. Well, Senator, I think you stated a lot of truths in there. I do think that the most effective means of combating what we all agree is a serious problem of religious freedom in the world is to use different approaches for every country depending on what kind of leverage there is, what other countries are willing to work with us, what kind of dialog we can establish with those countries, how much engagement we have, what our economic interests are that allow us to in fact engage even more aggressively.

I think there is a lot that we are doing. I think the Congress has had a very significant role, the American people had a very significant role, in engaging the executive branch in this administration to make the issue of religious freedom a very high priority.

But I think if we try to do it in more of a one size fits all approach, there is a danger that we will be, A, isolated in the world, B, cause more harm than good in terms of religious minorities in countries that we are trying to help, and C, all of the various bureaucratic growth factors that you have mentioned in your statement.

Senator HAGEL. Mr. Secretary, that was quite eloquent.

I am going to exercise the prerogative of the chair, because I do not think they will keep that vote open for me until 6 or 7 tonight. So I am, at the risk of suffering the Chairman's wrath, I am going to gavel a short recess to the committee hearing, and the Chairman I am sure will be back soon. So if you can just relax, and we appreciate your allowing democracy to go forward, Mr. Secretary.

Mr. SHATTUCK. Thank you, Senator.

(Recess, from 3:43 p.m. To 3:50 p.m.)

The CHAIRMAN You are not going to believe this, but I got caught in the elevator. Did you ever have a stopped elevator with seven Senators in it? It gets pretty close.

Senator Frist is on his way here and he will have some questions as I understand it.

Now, I believe that you and Senator Wellstone may have touched on this in my absence. My question is—by the way, Secretary Albright is going to be in what we call the aluminum room about 5 o'clock testifying about the you know what in India and Pakistan.

Some State Department officials are criticizing S. 1868 because they claim that it promotes one type of human rights, the right to freedom of religious belief, at the expense of some other basic human rights. Now, I just do not understand that analysis of it. Therefore I cannot agree with it. But I think Secretary Albright disagrees as well. I think she and I agree on that, because she has made the U.N. Convention on the Elimination of All Forms of Discrimination Against Women one of her top priorities, as you know.

Now, the point is this, sir. Are not the people smart enough to understand that concern about the abuse of one human right does not mean the other fundamental rights are less important? I think that is the question that is raised here. I would like to hear you explore that with me.

Mr. SHATTUCK. Well, Mr. Chairman, the issue of whether this legislation focuses on one human right at the expense of others I

know is a topic that has been debated. Senator Wellstone and I did have an exchange about that.

To the extent that there is a special kind of sanctions approach or a special kind of response for the violation of one type of human right and not the same kind of response for others, then there would be a problem. It is the position of the administration that any violation of human rights in any country, to the extent that it is equally egregious, should be treated the same way. That is generally the approach that is taken.

So if we were to be called upon to decide that a certain kind of measure was going to be taken especially for religious persecution as defined in the bill and not, say, for torture or extra judicial executions or some other kind of human rights violation in that country, then there would be a problem of hierarchy. We think we could certainly work with you and the committee to assure that there is a kind of common approach so long as the structure of the bill does not require an annual determination that countries are sanctionable and then something actually has to happen because they have been publicly identified as sanctionable. We think that is one of the problems in the bill.

The CHAIRMAN. I think you are telling me, I hope, that there is not really a problem except perhaps in the drafting of one small part of this. Is that what you are saying?

Mr. SHATTUCK. Well, I think so. The problem is more elsewhere. As I said, our main concern with the legislation is that on an annual basis, with a very broad definition of religious persecution, which is any act denying some form of religious freedom, annually all countries are going to have to be reviewed to see whether they are sanctionable or not sanctionable, and then they will be publicly identified as sanctionable.

Once that public identification of sanction ability occurs, then it is much harder to do some of the other things that we would like to be able to do, that we think we have effectively been able to do. That is our main concern.

The CHAIRMAN. I see. Well, I believe that I will look askance at any drafting that does not take care of that.

With that, I am going to yield back the balance of my time to Senator Biden.

Senator BIDEN. Mr. Chairman, I apologize. I had intended to be here for the whole hearing and I got tied up on another matter.

John, it is good to see you.

Mr. SHATTUCK. Good to see you, Senator.

Senator BIDEN. I think this has been covered. Just tell me if it has and I will confer with staff. Most of us say "I will read the record." I will not probably read the record, but I will confer with staff to find out whether this is correct.

What you were just referring to, was that the low threshold here that constitutes what is to engage in or tolerate? I mean, is there a distinction made between a single act and a pattern of violation? Is that any part of what you are talking about?

Mr. SHATTUCK. Well, there are two types of determinations that the bill requires the administration to make. One is annually. I think the date is the end of May. We would be required annually to review all countries of the world to see whether they have en-

gaged in acts of religious persecution, which is any denial of religious freedom. It is broader than the current definition of religious persecution in the International Covenant of Civil and Political Rights and other forms.

So that is a problem. So annually you would have to look at the very broad definition and, frankly, we think a very large number of countries would have to be identified and publicly branded at that point as sanctionable under U.S. law for religious persecution.

Then there would be another finding to determine whether they are engaged in gross violations, and then there would be a narrower group of countries that would have to be identified as gross violators, again on an annual basis. Every year you would have to make that decision. Is a country in or is a country out?

That basic structure, that main point of the bill, is really at the heart of what our concern is.

Senator BIDEN. It seems to me you are mentioning two main points: One, the annual requirement; and the other is the breadth of the definition of what constitutes a violation of the legislation. I am confused about the annual. Is the annual requirement, assuming you have got the right language from your perspective, more narrow in scope as to what constitutes religious persecution, a higher threshold, if you will, or a clearer threshold—would you still have a problem with the annual aspect of it?

Mr. SHATTUCK. We would have problems of annually making a list and publishing or letting it be known that a country is on or off a list on an annual basis, particularly when events are changing in countries so dramatically. Then we are going to get locked into our annual calendar, and at that time you then have to—

Senator BIDEN. What is the alternative? Because if I am not mistaken, the only thing I have ever found you do not want to do with the Chairman is confuse whether or not you are agreeing with him when in fact you may not be agreeing with him. I mean that sincerely. I think it is real important that—at least maybe he understands what you said. I am not sure I understand.

It sounds to me like you are further apart than your response would indicate, and that is not only—you can probably fix the breadth of the definition so you do not have 100 countries or 10 countries or 30 countries or whatever, this broad number, falling within the first sweep. That probably can be done; is that correct?

Mr. SHATTUCK. That is correct. But then there is the additional problem of publicly branding countries as sanctionable. We have a problem with that.

Senator BIDEN. I assume that is a non-starter for the Chairman and the supporters, but I do not know. I may be mistaken.

Again, I am not in any way attempting to speak for you, Mr. Chairman. I just do not want us to get in the position where—because I have concerns about the breadth of the definition and who it would grab in the net, really countries that we really did not intend to grab in this net, because we in fact—they do not fit what the average person in America would think to be religious persecution.

And yet, I am agnostic on the issue at this point of whether it is annual or what the alternative to annual is.

Mr. SHATTUCK. Frankly, even if it were biannual, nonetheless, if it were a public list of countries, two types of countries, ones that engage in religious persecution defined generally and then others engaged in egregious violations, we would oppose that kind of public branding. We frankly think that is in danger of doing more harm than good out in the countries where religious minorities are struggling, in some cases under very severe conditions. If they end up getting accused of fomenting U.S. actions against the countries in which they are living—I mean, we have heard about cases in Egypt.

Senator BIDEN. As a practical matter—my time is up and I will not take any more time after this, Mr. Chairman. As a practical matter, the way that the Foreign Assistance Act now works is that section 116 says: “No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention,” et cetera.

Now, the way a country gets up on the radar screen on this is somebody calls it to the State Department’s attention. Somebody says: Hey, by the way, country X is engaged—and then you go take a look. Or you, the Ambassador or someone in the State Department or the administration, raises it. But it is not a requirement that you look at country X every year.

So is what you are suggesting is the way you would like to see this legislation function relative to required review would be to have the standard in the law, but it would only be brought up based upon essentially it being called to one’s attention, recognizing whether it is called to the attention by the Congress or by the administration or by a human rights group or whatever? Is that what you are saying?

Mr. SHATTUCK. Well, the standard of course is in the law under section 502(b) of the Foreign Assistance Act right now.

Senator BIDEN. Right.

Mr. SHATTUCK. And based on that standard, we make decisions every year in a general sense broader than that standard, which is gross violator, to make sure that countries are not receiving taxpayer dollars if they are engaged in significant human rights abuse. But we feel that it is counterproductive to list countries on an annual basis either as gross violators or as persecutors in a broader definition, as under section 401 of the bill would do.

There are really two provisions of the bill, sections 401 and 402. 401 involves countries that engage in or tolerate broadly defined religious persecution; and section 402 are governments which engage in a consistent pattern of gross violations.

I would suggest, Mr. Chairman, without wanting to curtail what I hope is a very constructive discussion of this, that we have staff consultations on this subject, because I think working it through in a hearing context may not be the most efficient way to do it. I think we have some significant, very significant, concerns. I do not want to mislead you at all.

But I think they are best spelled out at the staff level and let’s see whether they can be worked out.

The CHAIRMAN. I want to sit in on that negotiation, because I have some views on it myself. I know that if we enter into it in good faith and you do the same, the probability is that we can work out something. Of course, what I do not like is the occasional stonewalling by one side or another that, hell, I ain't going to have that, just because I do not like the way you comb your hair or something like that. I think we can work it out.

Senator BIDEN. Thank you, Mr. Chairman.

Mr. SHATTUCK. Thank you. The CHAIRMAN. Dr. Frist.

Senator FRIST. Thank you, Mr. Chairman. I want to thank you and our witnesses for coming today, especially for bringing this issue and discussion of this legislation to a hearing.

Secretary Shattuck, I enjoyed your presentation, both written and oral. This issue does have some personal importance to me. In January of this year I had the opportunity to spend two weeks in southern Sudan as part of a medical mission group as a surgeon, not as a U.S. Senator at the time, but did take the opportunity to use it as a factfinding mission as well.

While I was there part of the medical mission work was to operate and work in a hospital, work in the clinics in southern Sudan. There I spent time with patients who had suffered under this brutal and sustained and clearly religiously motivated persecution that is ongoing in Sudan.

As a physician, it was very easy to feel that I was playing some small role as I operated on somebody who had stepped on a land mine and took care of the acute problem, the immediate problem. Then it also made me think that I can play a role as an individual in supporting the ongoing international relief efforts there.

Then I came back to Washington and here we are, and as a Senator, unlike being a physician, and as a participant in discussions like today, it leads me to ask what is at our disposal. Can the International Religious Freedom Act or any other proposed legislation enhance or in some way increase the contribution of the United States toward the resolution of that specific situation which you mentioned in your testimony and which I interacted with on a very personal basis operating on these patients?

I asked myself, could any of these proposals really unnecessarily or unintentionally limit or in some way restrict to options that are at our disposal today. I am struggling with that. You touched upon it in your testimony. But even after hearing the discussions, it is unclear to me.

It is clear that we cannot simply create a template to address all issues of religious persecution worldwide. But the question of either furthering our current efforts or more clearly defining our goals in the international arena is one that is extremely important to a public, as you pointed out in your statement, that so values religious freedoms here at home.

I know you mentioned Egypt and Germany, but if such a bill as we are talking about today does become law are there parts of it that would affect or call into question our current policy toward a specific country or our bilateral relationship as defined today? I guess I am looking for specific examples in that regard.

Mr. SHATTUCK. Well, Senator Frist, I think there are quite a number of examples that I could give of the dangers in terms of

curtailment of our ability to influence a country and to see that it continues to provide some progress, even if too slowly for most people's point of view.

It is always, frankly, dangerous to get into too much speculation because you do not want it to become a self-fulfilling prophecy. But I would just say that in countries where Americans in very good faith, in exercise of their faith, have been proceeding overseas either in a missionary capacity or to establish churches or work within churches, whether it be in Russia or in China or other parts of the world, it would be very difficult for that kind of activity to continue were we to identify those countries as sanctionable and, even worse, if we were to proceed to actually sanction those countries.

I am sure you know the case of the Reverend Pollard in Russia. Many of us worked very hard to assure that he could return to his ministry in a remote part of Russia, and we worked very closely with the Russian foreign ministry and others to make that come about. Were we to identify Russia under this legislation as sanctionable and then indeed to propose sanctions, I think it would be very hard for Americans like Reverend Pollard to work in Russia. I think you could use many other countries in a similar vein.

Senator FRIST. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. That seems to be it. The hearing record will be kept open, sir, for the Senators who were here and did not get to ask all the questions they desire and the Senators who had other committee responsibilities. But in any case, I appreciate your coming and your patience with the votes, the roll call votes going on. I expect you are going to receive a number of questions, and if you would reply to those as quickly as may be possible I would appreciate it.

[The prepared statements of Senators Thomas, Ashcroft, and Feingold appear in the Appendix.]

The CHAIRMAN. There being no further business to come before the committee, we stand in recess. Thank you very much.

[Whereupon, at 4:07 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

S. 1868 THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

WEDNESDAY, JUNE 17, 1998

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

Morning Session

The committee met, pursuant to notice, at 11:38 a.m. in room SD-419, Dirksen Senate Office Building, Hon. Jesse Helms, Chairman, presiding.

Present: Senators Helms, Grams, Robb, and Brownback.

The CHAIRMAN. The chair would offer his apologies for something that is going on all over the Senate this morning. No committee has been able to meet until this one. We are the first to meet. The problem is that the entire work of the Senate has been held up for weeks because of a piece of legislation that never had a potential for passage in the first place, and it has none now, and one way or another we are trying to get rid of it so we can get around to the Senate's real business. We do not even have a budget agreement, a budget resolution.

So let me say this to you. I want to have a full hearing of this subject, because it is near and dear to my heart personally. Now, we will go as far as we can before the meeting of the Steering Committee, which begins about 12:30; and then we will come back this afternoon if necessary and continue and do the best we can. I thank you for being tolerant of the situation.

Now then, back on May the 12th, John Shattuck, Assistant Secretary for Human Rights, set forth for this committee the administration's views on the bill bringing you here today, S. 1868, the title of which is the International Religious Freedom Act. Today's panel of distinguished religious leaders will discuss the merits of S. 1868 and other proposals to combat religious persecution and promote religious liberty abroad.

Now, our witnesses have come a long way to be with us, from New York City, from North Carolina, Tennessee, Alabama. But the committee is especially grateful to Bishop Mano, the Anglican Bishop of Peshawar in Pakistan—did I pronounce that right?

Bishop MANO. That is right.

The CHAIRMAN. So far, so good.

He has traveled all the way to be with us. I should note that the Episcopal and/or Anglican Church is represented by 70 million members in 165 countries.

Now, sadly, Pakistan has taken center stage with respect to persecution of Christians with Pakistan's infamous blasphemy law. I personally look forward to your perspective about the hardships of living as a Christian under a regime so hostile to Christianity and how the legislation the committee is considering today could improve your situation and the lives of religious minorities elsewhere.

Bishop Mano, you are in our thoughts and prayers and we will keep in touch with you after you return to your homeland.

Bishop MANO. Thank you.

The CHAIRMAN. Now, the committee also welcomes Dr. Richard Land, a good friend, who since his election in 1988 has been President of the Ethics and Religious Liberty Commission of the Southern Baptist Convention's Agency for Applied Christianity. Dr. Land knows a thing or two about our subject today as Southern Baptists—and by the way, I am one of them—have approximately 5,000 missionaries in 147 countries and their 1998 budget for international missions is \$210 million. I know you are eager to see Congress act on legislation addressing this issue and we welcome your views.

Also supporting legislation on this issue is Felice Gaer, Director of the Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee. Ms. Gaer is also a member of the International Human Rights Council at the Carter Center and is associated with the Human Rights Watch. I understand that you are no stranger when it comes to testifying before Congress, and certainly we look forward to hearing your views.

Dr. John Akers, we welcome you, sir. Dr. Akers is Chairman of the Board for East Gates Ministries International and Special Assistant to Billy Graham.

Last but certainly not least, we welcome yet another Southern Baptist leader, but with a different point of view. Dr. O'Brien is Director of the Global Center of Beeson Divinity School at Samford University. He was a missionary in Indonesia from 1962 to 1971, and I understand that Mrs. O'Brien is the Executive Director of the Southern Baptist Women's Missionary Union. We welcome you, and I will tell my wife when I get home tonight that I met the husband of the lady who is in charge of an organization that Dot belongs to.

Senator Biden has not yet arrived. Everybody is in a state of flux this morning. But I have a policy of not starting unless the minority party is represented or I am told by a representative of Senator Biden that we should proceed without him.

Now, Bishop Mano, we want to start with you.

Bishop MANO. Thank you.

The CHAIRMAN. If you will help us control the time, I would appreciate that. There will be ample time for questioning and so forth. But we welcome all of you, four gentlemen and lady, and God bless you for coming. Bishop.

STATEMENT OF THE RIGHT REVEREND MUNAWAR KENNETH RUMALSHAH (MANO), ANGLICAN BISHOP OF PESHAWAR, PAKISTAN

Bishop MANO. Good morning, Mr. Chairman and other distinguished Senators and friends. Thank you for this opportunity to

tell my story and share some of the experiences of being a Christian in Pakistan.

I would like to open my remarks with a few words of a martyr and a dear friend of mine what gave his life for the cause of freedom to be a Christian in Pakistan:

The Christians of Pakistan are being held in a death sentence blackmail by the blasphemy law, under which their small businesses are being taken over, their property seized, and the situation is such that their women are not safe. Therefore, in protest against 295-C [that is the penal code] and other black laws, in the name of my oppressed Christian people, secularism and democracy, I am taking my life.

These were the last recorded words of John Joseph, Roman Catholic Bishop in Pakistan, who lay down his life on May 6, 1998, to protest the death sentence imposed on a fellow Christian under Pakistan's blasphemy law.

The death of Bishop Joseph created shock waves throughout Pakistan and has utterly devastated my already marginalized community. This event has triggered a chain reaction where the majority Muslim community—and that is about 96 percent—is tightening the noose on Christians in the most public fashion, by physical harassment and creating an atmosphere of fear and insecurity.

My hope in being here today is to pay tribute to the sacrificial act of Bishop Joseph, to make sure that all this has not been in vain, and in doing so to focus the attention of my government and indeed the world on the plight of the Christian community in Pakistan. My concern also includes the issues of religious discrimination and persecution against fellow Christians and people of other faiths across the world who suffer dehumanization and torture simply because they want to have the freedom to practice the faith of their choice.

I am the Bishop of the Church of Pakistan, which is a part of the Worldwide Anglican Communion. Anglicans, of course, are known as Episcopalians in this country. The Church of Pakistan is the largest Christian denomination in our country today, formed in 1970 by the amalgamation of Anglicans, Lutherans, Scottish Presbyterians, and the Methodists. There is also a strong Roman Catholic presence, along with other Protestant denominations.

We Christians make up about three percent of the population of Pakistan. We are privileged to be part of the country of Pakistan, which we serve with all our passion and dedication, knowing that it is ours. Our ancestry on that soil goes back thousands of years. Yet it is a country which, in proclaiming the faith of the majority community, that is the faith of Islam, seems to be, wittingly or unwittingly, excluding us Christians and other religious minorities from its shared organic life.

Pakistan was perhaps the first state in modern history created exclusively on the basis of religious identity. The events of the past 50 years have shown that, in spite of having good intentions, such states are bound to evolve toward religious exclusivism.

Now, allow me to share with you how the rights and freedoms of religious minorities have been eroded in Pakistan's 50-year history because of the majority community's view that this land is for

the Muslims, to which many would add “for Muslims only.” Here are several examples, some of which I use.

Take a simple word like “freely.” In the original constitution of Pakistan Christians and other religious minorities were allowed to practice their faith “freely.” This word was removed from the constitution more than 10 years ago as it was deemed to be threatening the Islamic fabric of Pakistan. It appeared to the religious minorities to be quite an innocuous amendment at the time, but we are now reaping its ugly consequences.

It is becoming increasingly difficult to build, for example, our places of worship. Pakistan also is now practicing an apartheid electoral system. As a member of a minority, I am barred from standing for election as a member of parliament representing the majority community or even from voting in the main election for Muslim members of parliament. Instead, I am restricted to voting for one of a handful of minority members of parliament, with no influence on who runs my country. Non-Muslims have indeed become politically voiceless people.

As a religious minority, we live under a constant feeling of socio-economic strangulation. There is massive employment discrimination, both in the public and private sector. Usually only the most menial jobs are available to Christians, who remove human excrement from the streets. We are being socially ostracized and economically paralyzed simply for the sin of being Christians. We are no longer a church serving the poor, but we are the church of the poor.

Over the years Pakistan has been trying to introduce Shariah—that is the Islamic law—and its related ordinances as part of a program of Islamization. Perhaps the worst aspect of it in recent times has been the use of the dreaded blasphemy law. This has been part of the legal statute for a couple of centuries, but has been resurrected over a decade ago as part of the Pakistan penal code. It is section 295-C, which reads:

Whoever by words, either spoken or written or by visual representation, or by imputation, innuendo, or insinuation directly or indirectly defiles the sacred name of the Holy Prophet Mohammed will be punished with death or imprisoned for life, and shall also be liable to fine.

The intent behind this law seems perfectly reasonable, because we should respect the great leaders of all religions. Such a law is there simply to counter any disrespect to such persons. Unfortunately, great problems arise when these laws get exploited and abused.

In Pakistan, for us Christians and other religious minorities the misuse of this law by members of the majority community has achieved draconian proportions. It has often been used by private citizens to settle old scores and take up vendettas. There have been some frightening incidents related to it.

In fact, the ultimate despair of the late Bishop John Joseph was that he could not find a competent lawyer to appeal the death sentence of his parishioner, Ayub Masih. All such lawyers feared for their lives. A judge who acquitted one of the few Christians who escaped from such a sentence was murdered in broad daylight two years after his judgment. I offer here some of the examples just to

show how our small community is being brutalized and victimized in the name of religion under this law.

Tahir Iqbal, a young Christian bound to a wheelchair through illness, was a convert from Islam. He was brutally murdered by a frenzied mob because he was said to have, at least inadvertently, insulted the Prophet of Islam due to his conversion.

Another, a 14 year old girl Carol Shakeel, was accused of blasphemy at school. In order to save her life, she became a Muslim with the consent of her family because 225 local mullahs—that is the religious leaders—signed an oath to kill her.

I have here, sir, before me a catalogue of these cases of these cases which have been properly documented and can withstand the test of credibility. You may wish to examine them at your convenience.

I think it is incumbent upon me to speak on the suffering of religious minorities in other parts of the world as well. I am in constant contact with some of the acute situations within the Worldwide Anglican Communion, which is composed of nearly 70 million members, as, sir, you have already referred to. Perhaps the situation which concerns us most at this moment is the plight of our fellow Christians in Sudan. The Christians of Sudan have become targets of persecution, facing daily gross violations of human rights. The situation has driven thousands of them to leave their homes and escape to refugee camps.

Our brother Bishop, Nathaniel Garang by name, bolsters the Dinka people with words of conviction and hope by describing their seemingly intolerable situation: "We are very hungry in this time, but we are feeding on God," he said.

I would also like to speak of the situation in Myanmar, or Burma as it used to be called, but I am afraid time is short and I will simply refer you to my statement submitted for your records.

Now I would like to share my views on the specific pieces of legislation that your committee is considering. Let me paint a picture, in broad strokes, of what I believe can be helpful from the United States. As you know, I am here because I believe in the cause of religious liberty in Pakistan and around the world. Believe me, it would have been easier to stay at home. But for me, and for many of my Christian brothers and sisters in Pakistan, silence is not an option any longer.

I do not believe the U.S. can remain silent either. Since the Pilgrims first set sail in 1607 in search of a place to practice their religious beliefs, religious freedom has been a cornerstone of your country's history and culture. No, the United States should not stand by today in silence in the face of religious persecution worldwide. You need to hear the cry of people around the world who suffer for their faith, who are denied the basic right to believe, which you so naturally take for granted.

The central question is how the U.S. can respond most effectively to the cry of the persecuted faithful. I understand the legislation passed in the House would mandate severe economic sanctions against countries that engage in religious persecution. This approach might have positive effects in certain circumstances, perhaps in Sudan, but I fear that in other circumstances severe sanctions could trigger reprisals against the religious minority for hav-

ing caused the sanctions and also cause suffering and misery to the poor of the country.

It is my experience that this approach is less helpful and in some cases can even do more harm than good. But clearly there are many choices than just imposing heavy-handed sanctions or doing nothing. There is an entire array of foreign policy options which can positively affect human rights conditions in other countries.

The legislation we are here to discuss today, the Nickles bill, gives your government a range of options, from a private diplomatic reprimand all the way through economic sanctions. This flexibility is crucial to effective action.

In Pakistan, I believe the most helpful response from the U.S. is one that says: "We do not like what we see and hear." The international community's recognition of religious persecution in Pakistan has a subtle and yet profoundly positive effect on the plight of the Christian community.

There is the need to have a constant dialog between the U.S. and our country on this and other human rights issues. The diplomatic hot line must be in action all the time.

Of course, all this may only apply to Pakistan. I do not know the best approach for other people who suffer for their faith around the world, let us say in China or Sudan or parts of the Middle East. These are all very different situations which need different approaches. This case by case approach is the heart of the Nickles bill.

I support the Nickles bill's use of the broad, internationally accepted definition of "religious persecution." It recognizes both gross violations of human rights and the more subtle and prevalent forms of religious persecution experienced worldwide, such as church burnings, job discrimination, the stifling of religious expression, and the inability to hold services. A severe limitation of the House bill is that it only responds to the most extreme cases of religious persecution.

Finally, the Nickles bill requires the U.S. Government to consult with nongovernmental organizations, including churches, concerning the state of human rights and religious persecution. This provision is crucial if you are to find the most effective ways of fighting persecution while at the same time protecting the religious minority in offending countries. It is obvious to me that with this hearing you are conducting today that the Senate is committed to consulting the religious minority communities.

In this fiftieth anniversary year of the Universal Declaration of Human Rights, I call on this Congress, which has focused attention on the important problem of religious persecution, to push for an international bill of rights to protect religious minorities everywhere. I am not calling for a hierarchy of human rights. I am calling for religion to have finally an equal seat at the human rights table.

Sir, as I conclude my statement, one factor seems to be overwhelmingly evident. There are situations in our world where your religious identity can be your death warrant. This happens in Pakistan and other parts of South Asia. Although my personal experiences are those of a minority Christian in a majority Islamic land,

it could equally be the experience of Muslims in the Philippines or Bosnia, of Buddhists in Tibet, of Hindus in Sri Lanka, and so on.

I am also aware that these conflict situations are not exclusively based on religious identity. Other factors such as race and ethnicity are also major components of these situations. The difference is that we are born with our race and ethnicity and bear its consequences, both good and bad, for the rest of our lives. But, sir, religion is a person's free choice. I believe each and every human soul on this planet Earth must be given complete freedom to choose and practice his or her own faith. Creed should never be mixed with race, culture, or status in life. It is indeed a sacred choice. No one should be allowed to mutilate and desecrate this God-given privilege.

You, my American friends, uphold this principle dearly; and I am sure you understand our predicament. I hope the American people will continue to offer themselves as an instrument of peace, hope, and justice for human situations where this fundamental of all human rights is being denied.

Thank you, sir, for being patient.

[The prepared statement of Bishop Mano appears in the Appendix.]

The CHAIRMAN. Thank you, Bishop Mano.

I followed you as you read your manuscript, the text of your remarks, and I am sure my reaction is going to be the same to the other four of you.

I am sorry and I apologize that more Senators cannot be here today, and I am going to try to do something about that. For openers—and the staff may as well take this as a directive—I want the remarks of all five of these people, four gentlemen and lady, printed separately in a bound volume, which I want to mail to every religious editor, every religious commentator whose name we have, so that they know the enormity of what is going on in this world. Now, I knew in a vague sort of way—and I think I am pretty much like other Senators.

But let me give you an example of what he left out. The blasphemy law has often been used by private citizens to settle old scores and take up vendettas. The worst aspect is that 90 percent of such cases never reach a court of law. The courts increasingly tend to lean toward the Muslim accuser, whose single testimony is enough proof of the crime, and of course the witness of a Christian is not even admissible.

Now, regardless of whether we are Baptists, Methodists, or Jewish, Catholic, whatever, this is unthinkable, and I think the people of America need to understand what you have testified to today. I will not go further.

Dr. Land, we would be delighted to hear from you and I am looking forward to your remarks.

Dr. LAND. Thank you, Senator.

The CHAIRMAN. I want to make clear that all of your remarks this morning will be in one little package that we will circulate. We have pretty good mailing lists available to us.

**STATEMENT OF DR. RICHARD LAND, PRESIDENT, ETHICS AND
RELIGIOUS LIBERTY COMMISSION, SOUTHERN BAPTIST
CONVENTION**

Dr. LAND. Thank you, Senator.

All of us owe a great debt of gratitude to all of those who have struggled to keep the flickering flame of concern for victims of religious persecution alive in our midst, where so many in our society have seemed intent on remaining unaware or even willfully ignorant of the extent to which basic human rights have been denied around the world, specifically often in the form of religious persecution of Christians.

Until recently the persecution of Christians in various parts of the world has not been a high profile item on America's agenda. There are several possible reasons for this oversight. First, too often people in the West, peering through the selective prism of Christian history in the West, reflexively think of Christians as persecutors rather than the persecuted.

Second, an increasingly secularized West and its leadership elites tend to be indifferent and often uncomprehending of a spiritual world view which endures persecution and death for the sake of belief.

Third, the silence of the various Christian communities in the West which could influence this situation in a significant way has also contributed to the tragic silence and neglect of this issue.

I am both delighted and grateful to say that this tragic neglect has ended. The Conference on Global Persecution of Christians sponsored by the Puebla Program on Religious Freedom and held January 23, 1996, here in Washington was a long-needed wakeup call for many in the American faith community. Many of us had our eyes opened in a new and life-changing way to both the savagery and the extent of the persecution of fellow Christian believers in various parts of the world, most significantly in Islamic countries, such as the Sudan, Saudi Arabia, and communist regimes, such as Cuba, China, and Vietnam.

There was virtual unanimity of support from the conference participants for the statement of conscience of the National Association of Evangelicals concerning worldwide religious persecution. The NAE, which represents tens of millions of evangelical Christians, has produced a statement of conscience which outlines the facts of such persecution, states the principles of opposition against such persecution, and issues a call for actions which would directly address such persecutions.

I want to compliment Steven Rosenfeld of the *Washington Post*, "Human Rights For Christians, Too," in the *Washington Post*, for lending his influential forum and powerful voice to this issue. Mr. Rosenfeld is absolutely right when he writes that: "Politically as citizens and objectively in terms of the pain of foreign brothers, the Christian community has right and reason to be heard. The effort will save lives."

On the same day that Mr. Rosenfeld's eloquent analysis was printed in the *Washington Post*, the Executive Council of the General Convention of the Episcopal Church joined the group chorus of resolve on this issue by expressing its support in principle of the

statement of conscience concerning worldwide religious persecution and in support of religious liberty.

The 15.9 million member Southern Baptist Convention, reflecting a growing concern on this issue, has passed overwhelmingly three separate resolutions on this issue at its 1995, 1996, and 1997 annual conventions. The 1995 resolution expresses support for all peoples suffering denial of religious liberty, but especially for those who are of the household of faith and even more particularly for those who share Baptist convictions and commitments.

The resolution further calls upon my agency, as well as others, to seek ways to represent even more effectively the concerns of this convention to various government, diplomatic, and religious leaders at home and abroad. This testimony is at least partly an attempt to respond to that challenge issued by the Southern Baptist Convention.

In addition, Pope John Paul II has spoken out yet again against the persecution of Christians in his address to the Vatican diplomatic corps on January 13, 1996. In that speech the Pope raised the issue of religious persecution in some Islamic countries, as well as China and Vietnam, as places where persecution of Christians is presently being perpetrated.

He decried such abuses as "an intolerable and unjustifiable violation, not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living."

When Episcopalians, Evangelicals, Southern Baptists, and Roman Catholics are all voicing grave concerns over the persecution of Christians in other countries, critical mass has been reached. I believe we are witnessing the mere beginnings of a broad-based movement which will insist with increasing intensity that the Government of the United States of America take serious and important steps to use its influence to insist that the offending foreign governments stop these atrocities.

Let me be clear that we are not insisting that the U.S. Government seek to hold the entire world to the pristine standard of the U.S. Constitution's First Amendment religious liberty rights and guarantees, as desirable and as beneficial to humankind as we believe that would be. We are insisting that basic human rights be recognized.

These persecutions of Christians are clear and unacceptable violations of the United Nations 1948 Universal Declaration of Human Rights. The international family of nations has agreed that all human beings have the inherent right to freedom of thought, conscience, and religion. The persecutions are real and they are widespread.

As our Southern Baptist Convention resolution notes, countries as diverse and far flung as Bulgaria, Russia, Mexico, Saudi Arabia, Pakistan, Iran, Sudan, Yemen, Cuba, Romania, India, and China have well documented and systemic patterns of persecuting Christians. A focused campaign against these persecutions, supported by a committed domestic constituency, such as sensitized and informed American Christians, can and we believe will have tremendous and far-reaching results. The inspiring paradigm of the plight of Soviet Jewry and the tremendous impact that the American Jew-

ish community was able to achieve by galvanizing the will and determination of the American people is the best argument both for the ability to make a life-changing difference and for the fact that efforts achieved can be far-reaching.

The American campaign on behalf of Soviet Jews helped to seal the fate of Soviet repression in its far flung empire. We believe a campaign to use American governmental influence to stop the persecution of Christians may have similar dramatic results. Evangelicals and Catholics are being persecuted in many of these countries by those who are seeking to hold back the twenty first century by using the repressive methods which have made the twentieth century's history the bloodiest in terms of human beings slaughtered.

Christians are threats to the anti-democratic forces which oppose modernity, and if the western secular elites do not understand this, make no mistake, the Chinese, Vietnamese, and Cuban commissars and the Islamic ayatollahs do.

Further, if the U.S. Government makes the price for persecuting Christians, usually the most vulnerable people in these societies, unacceptable, it strengthens the moderate Islamic elements in these societies in their attempts to resist the thuggery and persecution perpetrated by Islamic radicals in their midst.

Clearly, the United States has been woefully negligent in dealing with the issue of the persecution of Christians around the world. This issue has not occupied a significant place in American foreign policy. It has not even been on the State Department's radar screen. That must change.

We believe strong and effective legislation is necessary to rectify the current situation regarding the U.S. Government and the widespread persecution of Christians and others of faith around the world. We strongly support legislation which provides to the greatest extent possible:

One, objective and independent factfinding. We believe effective legislation must include a Senate-confirmed Ambassador-director to undertake the task of factfinding on this issue. We also believe that there should be a Senate-confirmed commission and regular Congressional review of the findings and recommendations of this office and commission.

Two, accountability from the executive branch of government. This would include, but not be limited to, public reports of the President's response to the Ambassador-director and commission's findings, reports and recommendations; mandatory actions subject to reasonable Presidential waivers which must be explained publicly to the American people; and Congressional review of the President's responses to the commission's reports and recommendations.

Third, effective relief of religious persecution around the world. Legislation which would make a legitimate distinction between what would be defined in the United States as discrimination against religion. Once again, we are not arguing for America's First Amendment standard as the world's requirement, as much as they would all benefit from adopting that standard, as opposed to real religious persecution.

The legislation should not so narrowly define religious persecution as to limit the legislation's application only to the most ex-

treme forms of persecution which seem aimed at the elimination of particular religious minorities in a society.

Traditionally, the role of our embassies in foreign lands has not been only to represent the American Government, but to symbolize American values. It seems that, at least in regard to persecution of Christians, often the State Department has been in the posture of abject surrender to the most repressive of regimes which have denied fundamental American values of freedom from religious persecution. That must change.

We are told that the twenty first century will be the Pacific century. What kind of century will it be? America has great power and influence. Such power contains responsibilities as well as privilege. We must do all we can to influence the Asian powers of the future to recognize the basic human rights of their citizens, including Christians.

Experience tells us that governments, like children, often do not what you expect, but what you are prepared to inspect. We expect our government to insist that nations who want to be in good relation with us cease and desist from persecuting Christians. We will be inspecting whether they do so.

China's leaders have been quoted as dismissing America as a moneybags democracy which is only interested in trade benefits and the financial bottom line. I reject that analysis of our nation. I believe a majority of Americans reject it. We want a U.S. Government human rights policy on religious persecution that is as good and decent as our people, our ideals, and our heritage demand. A foreign policy that denies our basic values and seeks only to meet the requirements of commerce and business is and will always remain totally unacceptable.

The CHAIRMAN. Thank you, sir.

Let me ask you a question. I am delighted to sit here and have my conscience hurt by what I am not doing myself. Now, I know Paige Patterson pretty well. Do you know him?

Dr. LAND. Yes, sir.

The CHAIRMAN. I am from North Carolina. He is the new head of the State Baptist—no, the Southern Baptist Convention.

You have a good radio-television department down in Louisville, do you not?

Dr. LAND. In Atlanta, yes, sir.

The CHAIRMAN. In Atlanta.

Dr. LAND. And Fort Worth.

The CHAIRMAN. Would you be willing to take the lead to get some material that the public would listen to and not flip a dial? It can be done. This story needs to be told. I do not think the American people know it, and I have known it probably more than some in the Senate because I have been interested in it. But if you will take the lead in examining the possibilities of a production of television material, a program or two programs and maybe some spot announcements, I will be glad to see what I can do to get a reasonable endowment from people who are interested in this to finance it, because I know it will cost. If you will do that, I will do that.

Dr. LAND. Well, I appreciate that interest, Senator, and I will certainly take up the matter as soon as it is possible for me to do so with Dr. Patterson, who is, as you mentioned, the new President

of our Convention, as well as Dr. Reccord, who is in charge of the North American Mission Board's communications department, as well as Dr. Rankin with the International Mission Board in Richmond.

The CHAIRMAN. Very good. Ms. Gaer, we welcome you. You may proceed.

**STATEMENT OF FELICE GAER, DIRECTOR, JACOB BLAUSTEIN
INSTITUTE FOR THE ADVANCEMENT OF HUMAN RIGHTS,
AMERICAN JEWISH COMMITTEE**

Ms. GAER. Thank you, Mr. Chair.

Few issues have been as central to the work of the American Jewish Committee as speaking out to protect minority religions from prejudice, discrimination, bigotry, and violent attack. We thank you for your invitation to our committee to address this committee today. These are core issues before us, religious persecution and religious freedom—core issues not only for our organization, but I believe for all Americans: men and women, Jews, Christians, Muslims, Buddhists, Hindus, Bahais, and others.

We believe that ending religious persecution abroad merits a high profile in U.S. foreign policy. The legislative efforts in the Congress on this matter over the past year have rightly focused popular attention on the topic, on ways the U.S. could and should adjust its foreign policy to address such matters most effectively.

We are convinced that prevention of religious persecution at home and abroad requires sustained, sophisticated legal and political tools. The proposed legislation, the International Religious Freedom Act, promises to provide that sophistication and sustained effort. With attention to a number of our concerns, including the importance of integrating this issue into the machinery the Congress has already created to protect international human rights globally, the American Jewish Committee believes this bill will be an important addition to American diplomacy.

Our written testimony begins with an overview of religious repression, which we believe has been amply documented by private, religious, secular, government, and international organizations. Those who persecute others for their religious beliefs and practices, for being different, display a perverse inventiveness in their inhumanity. The variety of actions perpetrated against religious believers range from physical attacks to weaving a web of so-called legal measures—they are, in-fact, illegal measures—that so severely inhibit religious communities and their members that they violate most of the norms of freedom of religion. Some of the most common kinds of violations are outlined in our written statement.

A word about antisemitism and religious repression. The annual World Report on Antisemitism, published by the Institute for Jewish Policy Research in Great Britain and the American Jewish Committee here, reveals the complexity of the causes and the diversity of the manifestations of this age-old form of hatred, which as we know has led to genocide in our own time.

Among the trends identified in the last World Report are the salience of antisemitism for far right, neo-Nazi, and extremist groups, many of whom work through the ballot box to legitimize and spread hatred. It demonstrates that most militant antisemites are

young unemployed males in North America and Europe, Australia, and the Middle East, that antisemitism—both religious and political antisemitism—is widespread in the former Soviet Union, and that the authorities in Russia and many of the other former Soviet Union states do not take action against those who commit various acts directed against Jews.

The World Report demonstrates that numbers tell only part of the story. Overall, violent incidents have declined, but in some places they are up. They are up in France, but down in Germany. Countries as distant as South Africa, Indonesia, and Argentina have seen the reappearance of antisemitic violence in the last year alone. There has been an upsurge in antisemitic graffiti, threats, and attacks on property.

We also speak in our written statement about extreme measures directed against women. In many countries and in many religions, extremists, sometimes governments as well, have established measures to enforce subordination and obedience from women that deny them their rights to equality and liberty, including religious freedom. For example, in Afghanistan Taliban authorities have sanctioned beatings on the streets or at home as a means of enforcing submission from women. Such measures constitute a form of religious persecution and the Jacob Blaustein Institute for the Advancement of Human Rights has addressed these issues in a recent conference on religious fundamentalisms and the human rights of women.

Mr. Chairman, the causes of antisemitism and other forms of religious persecution are many. No single germ theory can account for it. Perhaps a stress theory might be more appropriate. The pathology of these persecutions becomes visible only if the accepted societal balance breaks down. When societies begin to stress economically, socially, politically, and are near breakdown, that is when there is greater manifestation of antisemitism and scapegoating of those who are different.

This leads us, Mr. Chair, to a major conclusion of every expert who has examined this subject: Repression of religious freedom and acts of religious intolerance, including violence, are commonly manifested in combination with other human rights abuses. We believe it is therefore essential for the members of this committee and all others engaged in shaping U.S. policy on religious persecution to bear this in mind.

It is also true that governments are not always the perpetrators. Communities of believers may instigate actions against other communities. In such instances the root causes may be complex, but the obligations of governments to stop such violence and discrimination are clear. In our written statement we briefly identify some of the causes of religious persecution.

We turn next, Mr. Chairman, to the challenging question of making sanctions an effective tool of policy. The complex causes of religious persecution, as well as the close interrelationship of curtailment of religious freedom with other human rights repression, suggests that a broad and flexible strategy is needed for effective response. We have previously identified a ten-point plan for preventing persecution of religion abroad and have appended it to my

statement, with your permission. With our recommendations on the elements of such a strategy, we hope to inform this debate.

As the plan reflects, sanctions are a key tool of U.S. policy, but they should not be the sole substitute for a broader and focused policy response. U.S. sanctions should be designed to fit the specific policy objectives of specific cases.

Many support sanctions because the imposition of sanctions registers disapproval and disassociates the U.S. from atrocious acts. Sanctions demonstrate the credibility of the international norms that have been breached, backing up rhetoric with action. Sanctions punish abuser countries, but, properly conceived and used early enough, they can also prevent the deterioration of a situation into violence or warfare.

It is therefore advisable for us all to think of sanctions less as punishment than as a nonviolent deterrent which can serve as an alternative to the use of military force. Some sanctions, especially individual financial sanctions, can be fine-tuned and targeted at the perpetrators themselves. Thus, one of the most important values of sanctions is that they place the responsibility for improvement directly on the perpetrators.

Mr. Chairman, there are numerous critics of sanctions who question their effectiveness and the process by which they are established. You know the arguments: they are long term, they are blunt instruments, we use them too early, they hurt Americans, and they are hard to implement and even harder to remove.

Our organization does not take such a dim view of the efficacy of sanctions, but neither is it the case that they are always the most appropriate measure. The impact of sanctions often varies with the specific situation and key factors include the dependence between the countries involved, whether they are unilateral or multilateral, targeted to governments or private businesses, whether retaliation is likely, and, frankly, whether alternatives to sanctions are available and have been tried or not.

In this connection, we reiterate that automatic sanctions applicable to every country in the world do not in the case of religious persecution offer the best approach for rewarding compliance by individual governments with the norms we are seeking to uphold. As indicated earlier, the complex and many causes of religious intolerance and repression suggest that our capacity to address these problems should be no less sophisticated and multi-layered than the problem itself.

In the view of the American Jewish Committee, the International Religious Freedom Act offers the promise of genuine efficacy in combating religious persecution and it meets the conditions we have set out for sanctions. It promotes a flexible approach to sanctions, it allows for policy responses that are country specific and that are situation specific. We have argued for some time that a menu of calibrated and discretionary sanctions, instead of the automatic sanctions provided in Wolf-Specter, is what is needed. This stems from our analysis of the causes as just described.

Mr. Chairman, we commend the Nickles-Mack bill's incorporation of a definition of acts of religious persecution that follows the definitions of freedom of religion and belief currently found in both international and U.S. law. Broad definitions of religious persecu-

tion and gross violations of religious freedom in Nickles-Mack are more likely to include the kind of repression that actually affects religious communities worldwide and we believe it is important that the definition not weaken the international standard on religious freedom which the U.S. Government and nongovernmental organizations have worked so hard to establish and maintain and have done so despite the most severe opposition.

At the least, the definition should not exclude practices and acts perpetrated against Jews and other communities of faith that have been understood to constitute persecution, whether those are preventing people from forming congregations or worshipping together, denying employment, social services, health care, access to education, or ownership of property. All these have been abused in the name of religion.

Similarly, forbidding the right to leave, to marry, to inherit, or even educate one's own children. Such practices have led to violent conflicts and even genocide and they are often the first harbingers of persecution of communities of faith. If we are serious about combating religious persecution and about preventing even worse atrocities, these practices and acts should be addressed by the bill.

Mr. Chairman, we do, however, have a number of concerns with respect to three issues: the definitions in the bill, the requirements of duplicative reporting, and the creation of a more elaborate bureaucracy that is not linked to or aimed at strengthening existing human rights machinery in our government.

We welcome the determination signaled by the numerous governmental offices and high level posts proposed by the Nickles-Mack bill. But we are concerned that the new bureaucracy to be created could duplicate rather than strengthen existing policy bodies, particularly those in the human rights field, and could end up isolating the religious persecution monitoring programs from the information-gathering and diplomatic apparatus of the State Department.

As to the two-tiered definitions in the bill, they commendably encompass more forms of religious intolerance than Wolf-Specter. However, the Nickles-Mack bill uses the term "gross violations" to refer to egregious acts, which we understand would normally be termed persecution. It uses the term "persecution" to refer to "any" act or violation.

In our judgment, the terminology is reversed. "Persecution" normally refers to widespread and ongoing patterns of activity, while "violations" usually refer to separate acts. The term "persecution" is widely used to trigger asylum provisions for would-be refugees and it would undoubtedly complicate our asylum policies to refer to individual acts.

We would encourage a technical review of the use of the definitions describing particular repressive acts relating to religious freedom, and we would encourage consideration of whether there could be a threshold established for the requirement that one or more of the flexible menu of sanctions must be applied to individual incidents.

The CHAIRMAN. I am sorry.

Ms. GAER. I did not know what the buzzer was for.

The CHAIRMAN. That is not a fire drill. That is the least innocuous thing that we do around here. That is a quorum call.

I am sorry. Proceed, please.

Ms. GAER. Mr. Chairman, a word for women. Section 2(a)(3) of the Nickles-Mack draft outlines the elements of religious freedom cited in article 18 of the International Covenant on Civil and Political Rights, to which the U.S. is a party. It states that: "Religious freedom is a fundamental right of every individual, regardless of race, country, creed, or nationality."

But both the Covenant and the Universal Declaration, like the U.N. Charter and other instruments, also identify sex as one of the factors which must not be disregarded in ensuring that everyone shall have the freedom cited. It would be helpful to correct this error by adding sex to the list cited in section 2(a)(3). We believe it is important to signal that everyone means everyone: Every individual in every country in the world has the right to practice his or her religion, alone or in a community of others, in public or in private, and to manifest it.

The foregoing comments should not be viewed as mitigating from our view that the Nickles-Mack bill is the preferred form of legislation in the area of religious freedom. Because of the sophisticated menu of choices offered, clearly linking and integrating the pursuit of an end to religious persecution to overall U.S. policy, it is well constructed and calculated to achieve the goals of helping oppressed communities abroad.

Thank you very much.

[The prepared statement of Ms. Gaer appears in the Appendix.]
Senator GRAMS (presiding). Thank you very much.

We are going to take a break right now and come back at 2:15 to allow you to have an opportunity to have a lunch break. The chairman is also going to be gone for a little while. So we are going to recess this hearing until 2:15. Thank you very much.

[Whereupon, at 12:33 p.m., the committee was recessed, to reconvene the same day at 2:15 p.m.]

[Recess]

Afternoon Session

Senator GRAMS. This hearing will now come to order again. I want to thank you very much for your patience and I hope you all had a chance to get some lunch.

We would like to finish the opening statements from our witnesses today. Dr. Akers and Dr. O'Brien, I would like to begin with your opening statements. Dr. Akers, please go ahead.

STATEMENT OF DR. JOHN AKERS, CHAIRMAN OF THE BOARD, EAST GATE MINISTRIES INTERNATIONAL

Dr. AKERS. Thank you, Mr. Chairman and ladies and gentlemen. Thank you very much for the opportunity to appear before you today in connection with the proposed International Religious Freedom Act of 1998.

American organizations which are involved in religious and humanitarian service in other countries have an enormous stake in this issue, and I am grateful you have invited some of us who rep-

resent denominations and mission agencies to participate in this hearing. Currently over 170,000 Americans, representing over 800 denominational and nondenominational agencies, are involved in some type of religious work overseas. Their work runs the gamut from evangelism and church planning to schools, hospitals, disaster relief, agricultural and other development projects, and other kinds of humanitarian aid.

Let me be clear about our perspective. Religious persecution is abhorrent to all of us and any country which consistently practices it cannot expect to be accepted within the circle of civilized nations today. Many mission agencies face this problem almost daily in their work. Yet for far too long religious persecution has been overlooked in discussions about human rights. We therefore welcome the recent attention which has been given to the problem of religious persecution and we thank you for your concern. I am sure that we also were all very moved by the testimony of our friend from Pakistan today.

Like other mission agencies, the organization I represent today, East Gates Ministries International, of which I am Chairman of the Board, is a nonprofit, nonpolitical religious agency. It is not my intention, therefore, to speak about the possible political or economic repercussions of this bill. Nor, frankly, am I equipped to give a point by point analysis of this proposed bill. I am sure you will be studying carefully the thoughtful suggestions that others have made and will be making.

Instead, today I would like to bring to your attention two concerns that I have, what I might call two benchmarks against which I believe any final version of this bill should be measured. I hope you will keep these two concerns before you as the bill continues to be debated.

First, I believe the final version of any bill on religious persecution must take into account its potential impact on the work of American mission organizations that are working overseas. Many American mission agencies work in what are frankly very difficult circumstances, including societies where there may be discrimination or even persecution against religious minorities. Often they are able to continue their work only because they have learned to stay clear of political involvements and to demonstrate that they are attempting to work for the betterment of that society and its people.

If, however, the United States, for example, were to impose automatic harsh sanctions without exception against every society judged to practice religious discrimination, almost certainly some governments, not all but some governments, would react with immediate reprisals against American mission organizations. In extreme cases, they would be banned from continuing their work and their personnel might be in serious danger. I trust you will always keep this in mind as the debate continues.

Second, we believe any final version of any bill on religious persecution must take into account its probable impact on the religious believers it seeks to help. The old adage of Hippocrates applies here as well: First, do thy patient no harm. The point is this: In some societies, not all, but in some societies, stringent and

thoughtless measures by the United States could actually make the situation worse for believers rather than better.

Religious persecution is usually a far more complex issue than we are willing to admit. As a church leader from one Asian country said to me: If my government concludes we Christians are the cause of bad relations between our two countries, they will only make life more difficult for us. The bottom line is this: As you consider this bill, please remember that each case of persecution is different. In our view, a one size fits all approach is dangerous and will end up hurting religious minorities in some countries, not helping them. Any bill must avoid inadvertently hurting those it seeks to help.

In asking you to remember the potential impact of a religious persecution bill on both American mission agencies and on foreign believers, I do not mean to imply that I am opposed to the specific bill that is before this committee. That is not the case. This bill's measured approach to the subject and its wide range of responses to instances of religious discrimination are, I believe, significant contributions to the legislative debate about this issue.

However, in light of the two concerns I have outlined, let me respectfully suggest four possible additions to the present bill for your consideration.

First, I urge that the bill explicitly require multilateral consultations and actions wherever possible. I realize that this can be very difficult at times, but I feel that is important to underline. Aside from the obvious advantage of bringing the moral weight of the international community to bear against gross acts of religious persecution, a multilateral approach could also help minimize the impact on American mission organizations which might otherwise be singled out for reprisals.

Second, we suggest that consideration be given to placing a time limit on the act. Let me be honest. Many of us who are involved in foreign missionary activity admittedly become very nervous whenever any governments become involved in religious matters that affect us. We know that this can lead to unforeseen problems, whether it is anyone's intention or not. Requiring the act to be renewed periodically would give all of us a better opportunity to spot any problems it might be inadvertently causing, including problems for mission agencies or indigenous believers.

Third, we urge that the bill explicitly require those involved in its implementation to take into account not only the immediate religious situation in a specific country, but also the overall trend. This can work in both ways. Some countries may be making a good faith effort to reverse their past policies of religious discrimination and this discrimination should be rewarded and taken into account. Others may be taking the first steps toward a more onerous policy. This also needs to be spotted and acted upon. Again, we would hope that the trend in a specific country would be taken into account.

Finally, we urge the committee to write into the bill as many safeguards as possible to avoid politicizing this issue. I do not pretend to know the exact formula for accomplishing this. Some have suggested the strengthening of the role of the Department of State,

that this might help. Other suggestions I am sure have been made a well. I would not pretend to know what the answer is.

But I do know, however, that an annual squabble between the President and the Congress over specific instances of religious persecution will hurt those of us who seek to serve in other countries. I believe it will also hurt the cause of religious freedom in some countries. I hope you will do everything you can to keep this politicization from happening.

Again, I thank you for your concern for this subject and your kind attention to our comments today.

[The prepared statement of Dr. Akers appears in the Appendix.]
Senator GRAMS. Thank you very much, Mr. Akers. Dr. O'Brien.

STATEMENT OF DR. JOHN O'BRIEN, DIRECTOR, THE GLOBAL CENTER, SAMFORD UNIVERSITY

Dr. O'BRIEN. Thank you, Mr. Chairman and members of the committee, like others, for this opportunity to appear.

I am coming from a little bit different perspective. The lens through which I am looking at this largely is as both an expatriate who has lived in the international scene within societies differing from ours religiously, politically, and from about 30 years of international work both through the Foreign Mission Board of the Southern Baptist Convention, where I served in administration in Richmond, Virginia, for many years and now subsequently through International Urban Associates, part of the Pacific Rim Think Tank, through the Plowshares Institute that deals with empowering for reconciliation with justice, from that kind of background.

The reality of religious persecution we have all confessed to. Everybody at this table today is in full agreement it is here, and for that reason we are grateful for the initiatives of Senator Nickles and Lieberman and others here in the Senate, whose efforts both serve to ratchet up our concern while attempting to provide legislative measures through which we can, in partnership with other concerned states, influence change in those areas of proven violation of religious liberty and human rights.

However, the complexity of defining religious persecution is extremely challenging. In attempting to define it so that the perpetrators can be exposed and dealt with, we discover a multi-complex braid of culture, ethnicity, economics, politics, and religion. Any legislation that calls for concrete and-or pejorative steps must be wisely crafted in order to avoid deeper problems on the ground where the conflict exists as well as a negative boomerang effect on the United States.

My family and I lived and worked in Indonesia between the years 1963 and 1971. In those years we experienced runaway inflation, an attempted coup d'etat in 1965, a bloody massacre over a 6-month period following the coup, and the initiation of the New Order under the newly installed President Suharto at that time.

During the 6-month cleanup operation which was carried out in the name of crushing the communist party, there were instances of torture and killings between Javanese and Chinese, between Muslims and Christians, neighbor against neighbor. The umbrella motive for the operation was politician cleansing and stabilizing of nationhood. Meanwhile, religious and ethnic factors played a role,

taking advantage of the larger movement in order to carry out vendettas on other levels.

The same is true when harassment, torture, and persecution on religious grounds is carried out. It is often difficult to ferret out if this is purely religious persecution or are there socioeconomic, cultural, and-or ethnic motivations mixed in?

For instance, some of the church burnings in Indonesia during the years 1996-'97 were not all purely based on religious bias. There is a perception that Christians are more affluent. Because the ethnic Chinese of Indonesia comprise no more than four percent of the population and control about 75 percent of the wealth and because many Chinese are Christians, a general image of Christians often carries with it a false perception of affluence that simply is not true.

Among the churches burned over the past three years, many if not most were comprised of very poor congregations. But the clouded picture of who Christians are and any advantage they may have economically confuses the whole issue. That is not to say there were no burnings based on pure religious conviction, but sometimes the picture is too hazy to make categorical declarations.

On the other hand, in the current scene today in Indonesia there are small radical groups who wreak havoc because of encouragement from sermons in the mosques. Rich or poor is not the motivation, and the religious harassment now taking place is carried out in a quasi-political vacuum during the tense transition of leadership from Mr. Suharto to President Habibie.

While the Indonesian armed forces have traditionally stood together in support of the Pancasila, which is the foundational document of the nation, and opposed any attempt to turn Indonesia into an Islamic state, observant Indonesians are noticing a more divided military now where many seem to be turning green while others are still strong supporters of the red and white. Given the current political climate in Indonesia, the more radical elements of Islam, who from 1945 have pushed for the adoption of the Jakarta Charter as the basis of law in Indonesia, are once again pushing for an Islamic state.

The next 6 to 12 months hold awesome implications for Indonesia as a nation and therefore for the region and the world. Depending on the political decisions made, which in Indonesia are inextricably intertwined with religion, the potential for the exacerbation of religious persecution targeting minority Christian groups is very sobering. Add to that the willingness of some persons who embrace a radical form of Islam to sacrifice any existing economic framework if that is what it takes to create an Islamic state further complicates the balancing of the national equation.

The reason I focused on this is because Indonesia symbolizes the complexity of the religion question in most non-western societies. For instance, in the Middle East there have been recent allegations of systemic persecution of Christians by the Palestinian Authority. A recent factfinding trip by scholars and journalists sponsored by Evangelicals for Middle East Understanding could not substantiate any of the allegations. While there are isolated instances and tensions that mark any culture with majority and minority populations, there was no proof of a rising tide of anti-Christian senti-

ment. The Executive Director of that movement in a press release in Jerusalem said: "We found disturbing indications of political motivations behind recent publicity about Christian persecution. We deplore efforts of anyone to pit people of one faith against those of another religion in order to strengthen a political position."

From China, the West receives very mixed signals about the Three-Self Patriotic Movement and the China Christian Council. Naysayers give the impression that the China Christian Council is led by either members of the communist party or they are at least collaborationists under the control of the government. Therefore, the "underground" church is the only true church comprised of members who are uncompromised. Those who know personally the leadership of China Christian Council, who have worshipped in what is referred to as "open churches," and who have observed the theological training centers have a very different impression.

In 1979 the Chinese government recognized five religious entities: Buddhists, Taoists, Muslims, Protestants, and Catholics. They did not recognize such indigenous movements as Watchman Nee's Little Flock, Seventh Day Adventists, and others. The government views them as cults and outside the freedom of religion policy.

However, when some of their leaders were jailed, the leader of the China Christian Council and his associate traveled to Beijing to protest on their behalf. The government leaders responded by saying to them: Well, we do not understand the difference between true Christians and cults. They were open to be taught the difference.

About 1980, China Christian Council was formed to work both inside and outside of China. The Three-Self Patriotic Movement, formed in 1955, only works inside China.

During my tenure at the Foreign Mission Board, we worked with the China Christian Council and helping to fund the beginning of the Amity Foundation Press in Nanjing. Since its inception in the mid-eighties, the Amity Press has printed and distributed within China 20 million Bibles. One can even find Bibles for purchase at the Tass News Agency bookstores. Pastors of unregistered churches come to the registered churches to get their Bibles and hymn books.

You know, my experience has been that almost anything you read about in China is true, it is happening somewhere. There may be leaders in one province who are harassing and imprisoning members of unregistered churches, while in the adjacent province there may be a Christian revival breaking out. Pastors of unregistered churches invite pastors of registered churches to come and preach, and they do. No pastor of a registered church would go uninvited to an unregistered church lest the members there think that they were spies.

One pastor in Guangzhou boasts about being pastor of the largest "underground" or unregistered church in China. The church meets on the second floor of a building immediately above the police station. Everything they do is quite open and known by everyone.

What am I saying? All of this is to say that there are complexities in all these situations that demand a very studied approach to any applied action. How can we then influence change through

the kind of legislation that you are crafting? My assumption in coming is that there is going to be some legislation.

My hope is that we can influence change in all of these countries, like Pakistan, Sudan, Indonesia, wherever it is happening, China. So let us build on the strengths already present in S. 1898 and further craft a highly effective instrument for achieving the aims of the bills, and let me just allude to a few of these.

First, build into the mechanism the mandate for the assigned person or group in the State Department to engage in multilateral, multinational dialog with religious and political leaders in all the appropriate nations that can provide collaborative insights needed for any recommendations to the President. While this is in the bill at the moment, I would plead that it be built in much earlier, so that multilateral, multinational dialog does not happen in regards to sanctions, but that it happens in regard to defusing the issue before we ever have to get that far along.

Second, sources identified for garnering information on religious persecution must be chosen with utmost care. I would plead for the cross-referencing of sources and data. It is so important to reduce the potential for reports being crafted from either incomplete or biased data. Furthermore, gathering data must be done in such a way so as not to jeopardize the presence and work of expatriate mission groups and missionaries.

While in Indonesia, I was accused of being an agent of the CIA during those very troubling times leading up to the coup in the early 1960's. Such connections in the minds of local people undermine the very honest work one is there to do. We were approached by agents as missionaries.

Information-gathering and reporting on religious persecution must be done in a way that protects it from being suspect as a tool of any intelligence service. In highly volatile areas such as Indonesia, China, the Middle East, to mention a few, examples of reporting through the emotional lenses of the source may produce slants that should be measured against other reports that may or may not have their own slants. The bill can require the new commission or whatever appropriate entity at State to carefully design reporting processes that include all of these entities.

Third, as regards to any possible sanctions, the bill must include steps that guarantee the United States, in collaboration with all appropriate parties, will not take any action that would produce unintended consequences for the very victims we are trying to help. Sanctions and discontinuance of aid, especially if done unilaterally, may well evoke reactions from authoritarian regimes that are aimed at the persecuted.

In fact, the whole issue of sanctions, while needing to be there, should be a last ditch approach if used at all. I would hope that the President would have the freedom as well as the motivation to call for findings that prove sanctions would be useful and serve their purposes, while not hurting the people we are wanting to help.

It seems to me it would greatly strengthen the President's hand and give him or her much greater flexibility in dealing with those nations engaged in continuing patterns of gross violations of religious and human rights if most of the work was done in State,

within a new commission and-or any other appropriate apparatus until the need arises for the United States to prove its will and commitment through Presidential action.

Fourth, I would say that, given the fact of religious persecution in some form happening in so many nations, the bill must be careful not to paint all of them alike with broad-brush strokes. Not all persecution is state-sponsored or endorsed. Not all persecution is carried out by groups while a regime either looks on approvingly or turns its head. Sadly, some persecution is Christian against Christian, Hutus versus Tutsi in Rwanda for instance. Some Christians might evoke the label of being persecuted when in fact they just happen to have been arrested because they broke the law. That even happens in our country.

Mechanisms to provide case by case analysis should be built in so as to deal most appropriately with each situation.

To wrap up, let me just say I am encouraged by the will of this Congress to lift to high visibility to reality of severe and gross persecution of Christians and persons of other religions at the hands of their perpetrators. I encourage all of you to take a strong stand through the forging of legislation that is worthy of being related to the same cause that calls for the commitment unto death from believers who understand the cost attached to their faith.

As much as lie it within you, guard this effort from any appearance of politicization. Martyrs deserve better.

Thank you very much.

[The prepared statement of Dr. O'Brien appears in the Appendix.]

Senator GRAMS. Thank you very much, Dr. O'Brien. I want to thank all of our witnesses for great statements and a lot of good information.

We have been joined by Senator Robb of Virginia. Senator Robb, do you have any statements or comments you would like to make?

Senator ROBB. Mr. Chairman, I do not. I regret that I was unable to join the panel this morning. I have collected all of their statements. I would like to join in thanking our distinguished witnesses for their testimony and witness. I will look forward to reviewing those, and I thank you for holding this hearing. Unfortunately, I am not going to be able to remain for the questioning because we have a compartmentalized hearing over in Intelligence to which I have to repair at this particular moment. But I thank you very much.

The only testimony that I heard live in its entirety was that by Dr. O'Brien, but it is refreshing to have such balanced views that reflect pros and cons. We frequently get someone who is very committed to one side or another, one view or another, and it is always refreshing to have that kind of candor.

I look forward to reviewing all the views that have been expressed, and I thank you, Mr. Chairman.

Senator GRAMS. Thank you very much.

I do have a quick opening statement myself that I would like to read to get into the record, which shows some of my concerns as well before we begin questioning. Hopefully, Senator Helms will be joining us, and others, before too long.

But I want to start out by thanking the chairman for holding the hearings today, which allows us to hear testimony from religious leaders on the Nickles International Religious Freedom Act. I believe this bill is more reasonable than the Wolf-Specter bill, but I still have some serious concerns and hope that we can work to achieve what I believe are some needed improvements in the legislation.

I am concerned about human rights abuses of all kinds, I oppose all abuses, including religious persecution, and believe we should seek ways to address these types of injustices. But I also strongly believe legislation that imposes sanctions or threatens sanctions, especially unilaterally, can be counterproductive. Such legislation could lead to harm of believers in other countries, and I believe this legislation could do that. So do many religious leaders in this country and others who have served as missionaries abroad. They have accomplished so much to bring more religious freedom to the world. So much more progress is needed.

But should we be the ones to tell them how to accomplish that? I think they are wise and many of them object to this government-directed approach. Many other countries will see the U.S. as attempting to force our values, our religious beliefs, on them.

I also believe efforts to force progress through sanctions can be counterproductive. Persecution would not necessarily stop, and again believers could be placed in harm's way. The affected country will turn to other nations which have not sanctioned them, so not only have we not accomplished our purpose, but we may have harmed U.S. economic interests as well.

Now, I have been blamed for looking at this solely for the impact that this legislation would have on trade. But that is my secondary concern. My chief concern, and one that has repeatedly been brought to my attention by religious leaders, is how effective would legislation like this be? Would it work? Would it help us combat religious persecution and promote religious freedom?

Quiet diplomacy has been doing that. So will the work of those here before us today. So will the efforts of those who have been reached abroad by religious leaders of all faiths in the past. As I often say, the most productive changes can come from inside a country, from an awakened people, and not from outside threats.

I was also struck by a comment by one of the drafters of this legislation, that there will be few, if any, gross violators subjected to sanctions. Now, if that is so, why are we even considering legislation? Would it appear that we are promoting a solution that is not achievable?

Again, I wanted to thank the chairman for inviting all the witnesses here today. I just want to note that we had many requests from numerous other religious leaders who also sought to be here to testify against this legislation, but I understand how limited our time is. But I do have some comments from those that I would like to enter into the record as if read. I also have some statements that they have mailed to us which I will also put into the record as well.

I want to work with this committee. I want to work with the chairman and also with Senators Nickles and Lieberman, to try to improve this legislation. There are some things that I think could be improved, such as the list of countries could be classified, for

one thing; that there could be more flexibility in the determination of sanctions and more effort placed on multilateral approaches. The waiver authority needs to be broadened and the Congressional disapproval authority needs to be narrowed or at least defined more in its scope.

So if we are to pass legislation in this area, these are some essential changes that I think will help win more support, as well as protect believers in countries that are labeled as gross violators. I intend to pursue these changes both in the committee and on the floor.

I also want to agree with one of our witnesses who said earlier this morning that silence is not an option. I believe that. I think that we very seriously have to look at these concerns. But I also believe that if we pass legislation we should have some confidence that it is going to accomplish our goals. As for the Hippocratic Oath, I think as Dr. Akers mentioned: First, do no harm. I say this in reference to those who might endure even more religious persecution because of actions that we take here.

With those comments, I see the chairman has rejoined us. Chairman Helms, I would like to return the hearing to you for your first question.

[The prepared statement of Senator Grams appears in the Appendix.]

Mr. GRAMS. I ask unanimous consent that a letter from the National Council of Churches opposing S. 1868 and a letter from James C. Dobson, Focus on the Family, Chuck Colson, Prison Fellowship, Gary L. Bauer, Family Research Council, and Randy Tate, Christian Coalition, be inserted into the record.

[The information referred to appears in the Appendix.]

The CHAIRMAN. I think the committee is in good hands. You stay right where you are.

Once again, I would apologize for pushing you around today, but this has been one of those days. Maybe you have those days in your shop as well. You do not?

Dr. AKERS. Never.

Senator GRAMS. Never.

The CHAIRMAN. Anyway, I thank you for your patience, and I hope you have enjoyed lunch a little bit, and I appreciate your coming.

Let me ask a few questions just for the record. Bishop Mano, you mentioned in your statement—and I want to make sure that the record is clear and my mind understands it, because you may have to live with the outcome of this. You stated that you do not support the bill which recently passed the House of Representatives, Representative Wolf's bill or the Wolf-Specter bill.

Given the choice between Wolf and Nickles-Lieberman, which is this bill by this Senate, and doing nothing, which choice would you advise us to take?

Bishop MANO. The reason for saying that, I think it has been already said enough by the panel, and that is that the House bill is a bit high-handed. At least that is how it comes to us. The option of straight sanctions is not a way forward, at least in my situation and perhaps in most situations.

This bill as we hear and read about it gives the breadth, the diversity, the multipurpose options through which I think more than one approach can be used to rectify very intricate and very difficult situations. As I think one of my fellow speakers have already said, the whole issue of religious discrimination is an extremely complex issue and we can play it in many different ways, both the perpetrators and the persecutors.

I think this bill gives you that option to choose a course, a calibrated course which can be adapted to each situation and then respond in that way.

Particularly one or two things which really appeal to me, for example the whole notion of an ambassador at large thing. I think here is a roving Ambassador who can, through his contacts, begin to detect these human situations.

The other thing which I feel could be part of it which I have been advocating, that during the whole South African situation, if you recall, sir, the U.N. used to send the group of eminent people. The former Prime Minister of Canada was one member of such a group. These were the kind of things where I feel perhaps people from different religions could be used to intervene in those situations and bring hope and rectification, rather than just sort of have a shot at each other.

So there are different avenues of this bill I believe which are appealing as a multipurpose approach, rather than one of just a bang-bang approach.

The CHAIRMAN. Very good.

Dr. Land, would you address the same question?

Dr. LAND. Yes, sir. We supported the Wolf-Specter bill in the House because we feel that we want the best bill that can be gotten out of this Congress. We believe that something is necessary. That was the vehicle in the House.

We have testified here today that, in generic terms, that we want the best bill that accomplishes the objectives that we laid out. I think that the Nickles bill certainly addresses our concerns substantially in the Senate. Our position is we want the best bill that can be passed in this Congress by both houses of the Congress and sent to the President for his signature. We believe that this is—that it is important that there be an effective mechanism to have our government make this a high profile issue with other governments around the world and the people in those societies.

The CHAIRMAN. Do you have an opinion? I think I know what yours would be.

Ms. GAER. I think I indicated that this is a preferred—that the Nickles-Mack strikes us as a preferred approach and that no approach would be a mistake, and that this is calibrated, flexible, situation specific, country specific. It offers the possibility of being effective. That is what we would like to see, greater effectiveness in combating religious persecution everywhere.

The CHAIRMAN. Dr. Akers.

Dr. AKERS. Senator Helms, I hope you will appreciate the fact that Billy Graham is always very reluctant to have any statement made that might be interpreted as a political statement. So with that preface, however, I would concur that there are many features of the Nickles bill that I believe will address the concerns that we

would have concerning the complexity of religious persecution in various parts of the world.

Many of us on this panel have made some suggestions that I am sure you will be considering, that I hope would sharpen the bill. With those considerations taken into account, I believe that this could be a useful bill. I do feel that it needs periodic review so that we are sure that actions that are taken are not counterproductive, even if they are unintended.

The CHAIRMAN. Parenthetically, are you familiar with the effort to build a fund for Ruth Graham's International Care for Children?

Dr. AKERS. I thank you for your part in that. Ruth was up here the other day, with your kind encouragement, and we thank you for your part, your personal part, in helping express her concern and Dr. Graham's concern for children's health.

The CHAIRMAN. Well, they are a great couple.

Dr. AKERS. I send you their regards.

The CHAIRMAN. I have known Billy for the majority of my life now. I hate to say that.

How about you, Dr. O'Brien?

Dr. O'BRIEN. Thank you. I certainly feel that the Nickles bill is much further down the road than the House bill and would be much preferable. I look at it as a work in progress. With all of the suggestions that have been here, I would hope it is further crafted, with this caveat: With the demise of Marxist ideology and the U.S. considered a lone superpower, in reality what happened when that ideology crumbled, we moved into a world of multipolar powers, a multipolar reality.

H.G. Welles in 1933 brought a radio address in which he was decrying the fact that we did not have many professors of foresight. If we could build into this the kind of foresight that is being instructed by current realities—when the wall came down in both Moscow and then literally in Berlin, we were so euphoric we did not see the other walls that had been draped with political ideology trappings for all those years, the walls of ethnicity and tribalism.

Of the 30-some odd wars raging today, there is not a single one of them across a geopolitical boundary. We are coming into an era in which those who feel a sense of loss of something are taking hold of that which they feel they can control. We are facing, I think, some of the greatest trials in the future of this very issue and others.

My plea with all that is that the committee and the Senate will further craft an instrument that has a great deal of foresight built into it and not simply be dealing with the tyranny of the urgent, whether it be from any constituent pressure or the realization that we are onto something that has to be brought to the forefront for this Nation as well as other nations.

So yes, I applaud this work in progress and would assume very optimistically that there is still some work to be done that will reflect foresight.

The CHAIRMAN. I see that we have been joined by the gentleman from Kansas. We are just speaking informally and asking questions.

Senator BROWNBACK. Thank you very much, Mr. Chairman. I appreciate very much the panel. I have been in and out and I apolo-

gize for not having heard more of your statements. I have held, though, two hearings, three hearings, in the subcommittee that I chair on the issue of religious persecution and religious freedom. So I have grown somewhat familiar with it, and delighted with the chairman's leadership on this topic that we are now considering and moving forward on, something I consider a foundational human rights as religious freedom, that it is the basis on which so many others of our freedoms are built.

I would just like to state, Mr. Chairman, if I could and for the record, that I commend the people who have proposed the legislation, the International Religious Freedom Act, or S. 1868. I admire this bill for many reasons, strongly support it, and I appeal for its support today. I think this is a noble and a significant effort to empower advocacy for those who suffer insidious institutionalized religious abuse worldwide in contravention of basic human rights, in contravention of those basic human rights, and, I might add, in contravention of the principles on which this land was founded by people seeking religious freedom.

This legislation addresses the problem of state-sponsored persecution of peaceful religious groups. It recognizes the intricacies of and responds accordingly. It constitutes a multifaceted platform for advocacy. Most importantly, it eloquently, I think, articulates our governmental commitments to defend religious freedom as a fundamental human right protected by international law.

I am going to talk very frankly about this. If we do not defend religious liberty, who is? If the United States does not defend religious liberty, who will? And if we do not do it now, then when?

In my foreign travels, I am continually humbled by the esteem that people have for America. Why this uniquely elevated position for this country? I think the answer really is pretty simple: We are great because we have been good, a good people; and we are good because we still fight for things like freedom and for those who suffer for its sake.

The most insidious form of religious persecution is state-sponsored, which this bill acknowledges. How do sincere people stand against the crushing onslaught of a hostile national government? I have talked with a number of people who have tried to stand against that, and they cannot do it. They are powerless to do it and to get it done. Yet they continue to try to stand, because their faith calls them to do it, whatever that faith might be.

How does an individual or a small faith community stand against the national security forces? Imagine countries where entire divisions of national police are dedicated to stalking peaceful people of faith. At the extreme, countries indulge in violent attacks involving unbridled cruelty.

As I am speaking, thousands and probably tens of thousands are sitting in jails because they dared to peacefully share their religious convictions. Their numbers are unknown as well as their names. Yet they are the type of democracy dissidents, like Sakharov and Solzhenitsyn.

I just would close with two questions that I think are posed by this debate. One is should we advocate for the religiously persecuted? I believe the answer is strongly and unequivocally yes.

The religious persecuted are as worthy as are democracy dissidents and represent the same principles.

The second question: What is the best approach? The one which recognizes the intricacies of mistreatment and offers a nuanced response is the one that I believe is the best approach, one which facilitates advocacy for those who are struggling to practice this simple yet profound freedom.

Bluntly put, instead of waiting for the ravage the Holocaust wrought, we should have more protested the infamous start of it, the night in 1938 when the Nazis shattered the windows of Jewish businesses throughout Germany and Austria. That is when we should have started. This bill is crafted to timely challenge such institutionalized brutality against minority faith communities.

Bottom line, any individual who dares to stand alone against a hostile national government for this fundamental right deserves the advocacy that this bill empowers. So I strongly support it. I am delighted this panel has been here to testify, and I will be looking to more of your input as we go along on this debate.

Thank you for the time, Mr. Chairman.

Senator GRAMS. Thank you very much.

I only have a couple of questions and then I will turn it back over to Sam for some questions and the chairman as well.

Bishop Mano, I appreciate your testimony and the persecution you have faced, and I understand that you are representing the Episcopal Church, which has been so helpful drafting the Nickles-Lieberman legislation as an alternative to the Wolf-Specter approach. However, I am intrigued by the position of the church on one hand and a statement that you made back on April 24 of 1988 which does not recommend the Wolf-Specter-Nickles approach at all, but instead the more positive actions that I believe have helped us pursue religious freedoms in other nations.

You recommended dialog with the majority community based on mutual trust and respect, progress to help minority communities, multilateral efforts, efforts by a group of prominent religious leaders to help address conflicts. I appreciate your good work and many of the challenges that you have faced, but I believe the Nickles bill, which persecutes the persecutors, would probably conflict with those statements you made in April.

Your comments on that?

Bishop MANO. Thank you. That was, with respect, I think April 1998, not 1988. I did not speak on the bill at all. It was at a different conference hosted by the Episcopal Church here.

Of course, I think, being human and living in a situation as we do, dialog is at the heart of our relationship. Until my grave I will advocate dialog at all levels, with my enemy, with my friend, with my well-wisher, with my persecutor. Absolutely, that is not in question at all.

But I personally do not understand the nuances of the comparisons of which is a better bill. The way I read it, the way I have heard, the way I understand, I do not think this bill is to persecute the persecutors. This bill is there to rectify the situation, which is a deplorable situation. I think you were here when I made my presentation. This is the only sacred God-given choice which I have.

If I may just give you an example. I lived in Britain for many years. I was a black person there. If anybody called me "black" there, it hurt me. It felt like a worm. But in Pakistan I could be one of the top five percent of the community there, but I have chosen to be counted amongst the bottom five for my faith. That must be honored. It is not for sale. It is not easily dispensable. It is precious to me, and I have made that choice.

My sort of contention is that the choice must be respected, and in order to do that I think human society must create that freedom. I am struck by the other Senator's remarks. We should have woken before the Holocaust happened. It is a very real situation of our time. It is not too much in the past. We must wake up to the religious persecution wherever they may be, before it is too late. We have had it in our times already. I do not think it is persecuting the persecutors, not that I see it.

Senator GRAMS. Thank you very much, Bishop.

Dr. Land, all of us want to address the problems of religious persecution. The question is how do we do this. I think we all have the same goals in mind, but struggling for ways to find some answers or to find some ways to solve these problems. But certainly there are many ways our government can help pursue those problems with other governments. We can do more to organize more multilateral efforts, as I think has been mentioned earlier. Even sanctions applied multilaterally would be better than a unilateral type of approach.

But I have been perplexed after hearing from so many who have served in ministries abroad of how this kind of legislation could be counterproductive and again, as we talked about, that some of those that are being persecuted could even face more persecution as a reprisal possibly for some of the actions that might be taken. Also, should the government decide what religious persecution is or even what religion is and who gets on the list. The government would decide who the gross violators are, who gets sanctions and who gets a slap on the wrist. The government would decide who gets off the hook due to foreign policy or maybe other concerns.

Then, to make matters worse, the whole business is further politicized by allowing the Congress to disapprove of some of the sanctions possibly because they want even tougher sanctions.

How this club over the head approach, if we could call it that, would ever work is of great concern to me, because I believe it in some ways could be counterproductive.

Do you have any disagreement or thoughts about that?

Dr. LAND. I do have both some thoughts and disagreements. I first of all do not think it is a club over the head approach. It seems to me to be a well-stocked arsenal with numerous nuanced approaches, depending on the particular situations and trying to give flexibility, and bringing the people's representatives more directly involved in a matter of such close personal interest to the people and not leaving it just to the State Department and just to the executive branch, but making Congress more in partnership with them.

I will say to you that I did before I came to give testimony today consult with Dr. Gerry Rankin, who is the President of the International Mission Board in Richmond, and with the Executive Vice

President there, Dr. Don Kammerdeiner, and they both agreed that legislation was necessary, that religious persecution around the world is outrageous, and that something effective needs to be done. They both told me that they believe that legislation was both beneficial and necessary.

Of course, they want the right kind of legislation, as I think we all do. I think the worst thing we can do is to do nothing. We have done nothing for far too long. To put it charitably, the United States State Department under both Republicans and Democrats has had a remarkably tin ear to this particular kind of persecution. I do not believe that is going to stop without some kind of effective legislation from the Congress.

Senator GRAMS. Ms. Gaer, do you think this legislation could be perceived as pro-Christian legislation in the Middle East?

Ms. GAER. This legislation is drafted with a clear base in universal standards. The definitions, the articulation of what constitutes relating persecution or gross violations—the terms are a little mixed up—fall squarely within those international definitions. If the legislation is applied with the same degree of sophistication with which it was drafted, this legislation will be perceived as pro-religion, pro-freedom, and not anti-anyone or any particular religion.

Senator GRAMS. Could a country be deemed a gross violator, Ms. Gaer, subject to sanctions, but still be moving toward of religious freedom?

Ms. GAER. The way the legislation is drafted, a gross violator would be a country that has a particular pattern and hits a fairly high standard. If I understand the question, you are asking can there be inconsistencies in policy in terms of addressing that country and in categorizing it?

Senator GRAMS. If it still has not attained a certain level, but is moving in that direction, could it still be or would it still be labeled as a gross violator, which could have a negative effect on further progress?

Ms. GAER. Well, that of course depends on the skill of those who are gathering the information and analyzing it and assessing the overall situation. That is why this is being handed over to, ideally, to a group of experts and special appointees who have to come back in some cases and get the advice and consent of this body. So that there is that kind of expertise in making those assessments.

I think that there are cases where acts taken place that are focused on religious violations that are inconsistent with what goes on otherwise in the country. But the overwhelming evidence of those who engage in persistent abuse of religious norms is that they are themselves also engaged in gross violations of other human rights norms. So you do not normally see religious persecution as an aberration. You see it in a complex web of other forms of violations.

Senator GRAMS. Dr. Akers, I believe that you and Dr. Ned Graham's work with the house churches in China has been very positive. China believes that many of those house churches have more internal politics than religion in mind. What are you doing with the Chinese to convince them that these are true religious communities?

Dr. AKERS. I think there are several things that might be said about that. First of all, we have found in recent years at least that some of the strongest advocates in defending the rights of the house church have been those in the leadership of the official church. That may strike you as strange, but we know that there are many instances where instances of abuse to the house church have been brought to the attention of the leadership of the official church and they in turn have defended before the government those people and often with success.

Another thing that I would say is that one of the goals of the Reverend Ned Graham's work has been to work not only with the churches and to work legally, but in the course of working legally we have established close relationships with some of the government agencies that oversee religious life in the People's Republic of China. We say to them quite frankly that we know that they have problems and we are concerned about those problems.

In fact, Senator, from time to time when we are presented with lists of prisoners of conscience that come from various organizations in the West, we forward those on to our contacts within the government of the PRC and ask them to investigate and, because they trust us, they often carry through on that. I do not claim that everything gets solved, but nevertheless there is an openness now that we find helpful.

I think, Senator Helms, you know that Dr. Graham's perspective across the years has been engagement wherever possible. Even in the old years of the Soviet Union, there were many that had questions about him going to the various countries in Eastern Europe and the Soviet Union. I suppose even now that could be debated. But nevertheless he felt that the opportunities that he had, that no one else really had, to visit those countries, to preach, to talk openly with high level leadership, that those were significant and that those would help in the long term the cause of religious freedom. That is a perspective that we continue in our work in the People's Republic of China.

Senator GRAMS. I know some have suggested that Chinese officials have demanded that you oppose this type of legislation to avoid any setbacks in your relationship with them. Have you ever felt threatened by the Chinese leaders in this regard?

Dr. AKERS. No, absolutely not. None have ever suggested that to us. We have sought to maintain our independence, both from them and from interests in this country on one side or another, whether they are economic interests or whatever. We seek to maintain our independence.

I think that they know that that would be counterproductive in the long term were they to try and pressure us in any way. One of our strengths as an organization, Senator, is that we have been able to establish contacts not only with the official church, but with the so-called house church in China. We have staff in Hong Kong and in Shanghai that travel extensively, Chinese staff, that travel extensively throughout the PRC, mainly making contacts with the house church.

We know many of the problems that there are. We know many of the opportunities that they have as well. I would just say that with this we find that even those who are in the house church who

are very suspicious of their own government at the same time welcome the interest that we show in them and our ability to talk with their government in a reasonable way about their situation.

Senator GRAMS. One quick question for Dr. O'Brien. Is the Southern Baptist Church split at all on this issue?

Dr. O'BRIEN. I do not know. There are almost 40,000 churches. All of them are autonomous.

Senator GRAMS. So that is a yes?

Dr. O'BRIEN. You could get 41,000 opinions from the 40,000.

Frankly, sad to say, I am sure there are a lot of our people in churches who are unaware, and some of it may be their own fault for not being more proactive in getting information. But a lot of it is the fault of the institutions of our Nation, including the media and other things that have taken precedence over this kind of reality. So I think with this kind of action it is certainly coming to the fore.

It takes about five years to say hello to Southern Baptists. So it will be a while before it gets into the total grassroots.

Senator GRAMS. Thank you.

Mr. Chairman.

The CHAIRMAN. Better not get us Southern Baptists talking about each other. One of my favorite stories, sir, if you will forgive me for intruding with a personal note: A country church in North Carolina grew and prospered. It got so many members that some of them felt that they were being neglected by the pastor—you know how that goes. So they split off and they bought a lot across the road and set up another church.

There were two rather large Baptist churches right across the road from each other, and they had a little battle about everything, including the billboard or whatever you call the bulletin board that appears out in front of the churches, at least in North Carolina. The preacher in the number one church, he put his sermon topic on the board for the following Sunday, and the subject was going to be "What is Hell?"

The preacher on the other side looked at that, went back in, got his letters, and he said: "Come Early and Hear Their Choir."

The CHAIRMAN. But let me tell you something. This business of trying to play politics with religion, even the politics of trying to do good sincerely, it is a tough thing, because chances are you are going to be misunderstood.

Let me tell you a personal enlightenment that I had. I first ran for the Senate and was elected in 1972. I would not have run if I thought I was going to be elected, but when I found out I was elected it was too late to back out. But during that campaign somebody sent me a copy of Alexander Solzhenitsyn's *Gulag Archipelago*. I do not know if any of you or all of you have read it or not. It was one of those books that you had to read every page three times to make sure you understood what he was saying, because it was a little stuffy.

But along the campaign, I read and read and read and read, and I perceived finally the message that I think somebody upstairs wanted me to see, and that this man was a religious, Christian man.

So after I came to the Senate I got his address. He was in, for 20 years, I think, in the Gulag, and there are so many tales he has told me and others, several when he came to my home. We finally got him over here one time.

But he was to me a strange man, but a good man, and I was surprised to realize how deeply religious he was. I think that is the way with a lot of people who do not wear it on their shoulders. I try not to put it on my shoulders ever, but I do want to do what is right about this thing, but I do not want to do it for a political reason. That is the reason I want all of you to sort of help and guide me in the position that I am going to take with respect to whatever we do if we do it.

Now, I wish I had a magic wand, and I am sure everybody feels that way. I see the little children with bloated bellies on television, I find myself praying, I say: Lord, is there anything I can do about this? And I do not get a very clear answer. I have even said I would be glad to quit the Senate and go over. Ted Kennedy would appreciate that if I went.

But it is not an easy thing to do, rather than object to the suggestions, that we change it and improve it. I particularly appreciate all that you have said and done about that, and I think all Senators will, particularly the principal sponsors of the bill.

So I thank you for coming. This has been an enlightening experience for me and I know it has been sort of a disconnect for you, with us going and coming and having meetings and so forth. I hope the next time we get together we will not take up so much of your time.

I would suggest, Mr. Chairman, that you let me suggest to them: I have never made a speech in my life that on the way home I did not say, why did I not say so-and-so? Ever done that? Why did I not think of saying that? So before you start on the way home, if you have got anything further to add, a suggestion to make, I wish you would do it, because all of this is being taken down and it will be helpful to us.

Instead of making you last, let us make you first, Dr. O'Brien.

Dr. O'BRIEN. I think that is fine for today. I appreciate the openness to continue to communicate while this is being crafted.

The CHAIRMAN. Let us do that.

Dr. AKERS. I feel the same way.

You feel the same way?

The CHAIRMAN. Ms. Gaer?

Ms. GAER. I quite agree. I also want to add that the very consideration of both kinds of legislation has moved the administration very far in significant ways, and that that is also to be commended. They have established all kinds of new bodies, new attention, new directives. The Secretary personally has told people they have got to get trained and be sensitive to these issues. I think that that is a real value that we do not see yet, but it has happened, and that is a change from a year ago. They may not be satisfied with the idea of this legislation just yet, but I think you will make a big difference on the way the bureaucracy, the State Department officials in all areas, begin to think about these issues.

So thank you.

The CHAIRMAN. Well, let me say parenthetically, I intend to have a personal chat with a lady friend named Madeleine Albright, who is by all odds the most attentive Secretary of State we have ever had. We do not agree on everything, but one thing about that lady, she will tell it like it is and she will not try and deceive you. There have been some others who may not have been exactly like that.

Dr. Land.

Dr. LAND. Well, I want to say how much I appreciate this committee giving its attention and the attention that comes with this committee's attention to this issue.

No Southern Baptist would ever seek to speak for all Southern Baptists. If there are 15.9 million Southern Baptists, there are probably at least 20 million opinions, which I am not sure what that says about the mental health of Southern Baptists. But I will go out on a limb and say that if there is near unanimity on any issue among Southern Baptists, it is on the issue of religious freedom being the fundamental human rights.

The First Amendment to our Constitution and its freedoms of religion are there primarily because of the witness of our Baptist forebears against colonial persecutors who did not give in 9 of the original 13 States the kind of religious freedom that was granted at the Federal level in the First Amendment.

Now, there certainly is not unanimity on the best way to deal with the problem, but the fact that we expect our government to deal with the problem and that everyone should have freedom to worship their God—as Roger Williams said: “A man’s relationship with his God is so sacred that no other human being has a right to interfere with it.”

The CHAIRMAN. The last word, Bishop.

Bishop MANO. Just to say that for some of us it is indeed a unique occasion, a dream come true, that a body like yours have taken the trouble to deliberate on this very vital human issue. I do not think I can pick up your suggestion that we start continue writing little chits to say that this is what I forgot and this is the new one. I am maybe too far for that purpose, but nevertheless grateful for the offer.

I just want to say that I hope it will not get drowned in the political versus the spiritual syndrome. I think that has gone on for too long. Spiritual or religion is holistic and I think it, at least in our case and I am sure for other people, it concerns the totality of our life existence. Sadly, over the years I think in the Christian world we have tried to create an artificial division as to, this is the political or this is the normal life and this is the spiritual life. It has not served us well.

We do not want to create religious monsters, either here or anywhere else. But we do want the flow of religious generosity, graciousness, peace, care, embrace, to go around the world, because I believe if there is one God and we are his followers and believers, then how on Earth we can continue to kill each other and one another in his honor? We have had a terrible record for 500 years, the longest war in history, over religion. You dig out behind many of the human conflict issues, this surfaces. This must stop in order to honor our God and I think for the good of humanity.

We thank you for finally taking up this issue for all of us.

The CHAIRMAN. Thank you very much, and with that fine assertion I suppose the chairman is going to put us in recess. But this has been a great day for me and I hope it has been a good one for you. Next time we will do it all in one piece. Go in peace. God bless you. Thank you.

Senator GRAMS. Thank you very much. The hearing is concluded. [Whereupon, at 3:27 p.m., the committee was adjourned, to reconvene subject to the call of the Chair.]

APPENDIX

Hearing of May 12, 1998

*Responses to Additional Questions for the Record Submitted by the Committee to
Assistant Secretary John Shattuck*

QUESTION SUBMITTED BY SENATOR HELMS

Question. The Presbyterian Church of the United States (PCUSA) has been negotiating for some time with the Pakistani government for the return of schools that were nationalized in 1972. An agreement with Pakistan was reached in 1997 but, despite positive statements by Pakistani officials, it has yet to be implemented. What is the status of efforts to bring this matter to a just resolution?

Answer. US officials at the State Department and at our posts in Pakistan have been working closely with PCUSA to resolve the long-standing property dispute. During the most recent US meetings with officials of the Pakistani provincial government in Punjab, where the PCUSA properties are located, we received assurances that the official notification of the denationalization of the school properties would be announced shortly. As with previous assurances of this nature, we plan to continue our consultations with PCUSA to see that the governmental authorities follow through.

Both PCUSA and the Pakistani governmental authorities have consistently treated the dispute as a property issue. The parties are also concerned with the need to improve educational conditions and opportunities in Pakistan. They have not treated the property dispute as a case relating to freedom of religion.

QUESTIONS SUBMITTED BY SENATOR GRAMS

Question. Your statement appears to acknowledge there may be legislation passed on this issue. Do you believe we need legislation? Do you believe it is productive?

Answer. We believe that the Administration currently has the necessary tools and legislative mandate to pursue international advancement in religious freedom and other human rights. Legislation best serves our mutual goal of promoting and upholding religious freedom when it consolidates and strengthens existing mechanisms rather than creating new ones and when it represents a united approach by the Administration and the Congress to send a clear message about the importance of this issue.

Question. By supporting amendments to the legislation, you send the message it is satisfactory if the amendments are approved. Is there any way to amend the basic, flawed premise of this legislation?

Answer. The Clinton Administration already has done more than any previous Administration to address and highlight the issue of religious freedom. We believe that the Administration already has the necessary tools and legislative mandate to promote freedom of religion and oppose violations of this right throughout the world.

Currently, the Nickles bill could create problems that would be counterproductive in our efforts to pursue religious freedom globally. We have serious concerns about the bill's reporting requirements which would require that countries be identified as violators or gross violators and would automatically trigger executive or economic sanctions. Other specific problems with the bill are discussed in detail in my testimony at the hearing on May 12.

Legislation best serves our mutual goal of promoting and upholding religious freedom when it consolidates and strengthens existing mechanisms rather than creating new ones and if it represents a united approach by the Administration and the Congress to send a clear message about the importance of this issue.

Question. How would you define "gross violators?" Where to you draw the line between the gross violators that are sanctioned and subject to congressional disapproval and the rest of the countries which can receive lesser sanctions against

them? When I asked this question during the hearing, you responded generally on the entire list of countries in the annual report subject to some kind of action. Again, I would just like some idea of the what would go into the decision making process the President must address that separates out the “gross violators” which actually receive the sanctions, which, again, prompts the Congressional disapproval process.

Answer. The Administration would determine that a government is a “gross violator” when it engages in a consistent pattern of human rights violations of the type contained in the bill or in Section 116 of the Foreign Assistance Act as amended. In making this determination, we might look at a number of factors, including the severity of the abuses, and whether they are widespread, for example.

Determining which countries engage in or tolerate persecution as defined by the bill might be difficult, and drawing the line between those and the countries which engage in a consistent pattern of gross violations would be even tougher. The definition of “gross violations” in the bill appears consistent with international and U.S. standards. It is similar to the standard that we use, for example, at the UN Human Rights Commission. However, in international fora, countries accused of gross violations sometimes respond to the accusations made against them, and provide additional information about their laws or practices that help us to make a clearer judgment. We do not expect most countries would be willing to cooperate in this manner with the U.S. in examining determinations to be made under this bill. This is one factor that will make it especially difficult to come up with consistent and reliable determinations.

Question. What countries would you envision are “gross violators?” Do you see a lot of pressure on the President to label certain countries gross violators?

Answer. Since the bill requires the President to make the determination, it would be inappropriate for me to prejudge what will be his decision. Any determination would take into account the kind of information in our annual Human Rights Reports, which is an impartial, and often sobering, record of human rights practices worldwide.

Question. Should religious persecution be separated from other human rights concerns? Is religious persecution reported on the human rights report and country reports?

Answer. Religious liberty also means free speech, and freedom of assembly and association. If people lack the freedom to practice their faith, it is likely that other human rights will be restricted and that intolerance and violence will be more prevalent. Lack of these rights also impedes efforts to establish societies that promote liberty and justice.

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize that all citizens have the rights to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief, and freedom—either alone or in community with others, and either in public or private—to manifest one's religion or belief in teaching, practice, worship, and observance. No government can legitimately deny it, no matter what the justification, for it is universal, inalienable, and endowed by virtue of birth.

Freedom of religion is also a bedrock issue for the American people and their government. The United States is committed to confronting violations of religious freedom, including religious intolerance and discrimination, no matter where they may occur around the world.

The actions of governments that violate these rights and persecute persons because of their religion or belief, are detailed in the Department of State's Annual Country Reports on Human Rights Practices, which provide a description of the situation regarding religious freedom of over 190 countries. Widely viewed as an objective, thorough, and credible summary of human rights practices worldwide, the Country Reports address the question of whether or not a country's constitution or other basic law provides for the right to practice the religion of one's choice, and if so, whether the government respects and enforces that right in practice. The Country Reports note the existence of an official state religion, or an otherwise dominant religion, and whether or not that adversely affects religious freedom for others.

In order to determine whether religious persecution exists, the country reports analyze myriad factors in each country. For example, the Department of State considers the existence of various types of restrictions on religious freedom, such as whether a government bans or discourages specific religions or religious factions. The Country Reports distinguish between the treatment of different subgroups within particular religions, e.g., members of Christian or Muslim subgroups who face discrimination or persecution, whereas other members of these religions do not.

The country reports also describe the many ways in which governments restrict religious freedom. For example, whether a government restricts organized religions in establishing places of worship and training numbers of clergy adequate to serve believers; whether a government requires religious instruction in public schools (and if so, whether it is limited to instruction in a state or otherwise dominant religion); whether a government requires that religious groups be licensed, and if so, what controls it imposes; whether a government restricts religious publishing (including publications in languages such as Latin, Hebrew, and Arabic, which have religious significance); and whether a government prohibits links with coreligionists in other countries, or with a supranational hierarchy (such as the Vatican). The Country Reports also examine whether a government prohibits religious travel, such as the Hajj; whether a government designates religion on passports or national identity documents; whether a government prohibits or discourages conversion to minority religions; whether a government persecutes converts to minority religions; and whether a government forbids missionaries from entering the country or restricts their activities (e.g., proselytizing).

The Country Reports also cover problems of societal discrimination and violence against members of religious minorities. The reports cover religiously motivated violence by sects, private groups, or individuals, and sectarian rioting and/or violence. They include instances of discrimination/harassment by members of one sect of a religion against those who belong to another sect. The reports also cover societal or governmental discrimination against members of religious minorities with respect to employment, education, housing, and health services, etc.

Department of State officers, both in Washington and overseas, monitor religious persecution on a year-round basis. They maintain contacts with government officials, nongovernmental organizations, and leaders and members of numerous religious denominations. In 1993 the Secretary of State instructed all embassies to establish inter-agency committees on human rights. In recent years the Department of State has made additional efforts to aggressively pursue issues of religious freedom in the field. In December 1996, the Department alerted all U.S. diplomatic missions to the establishment of the Secretary of State's Advisory Committee on Religious Freedom Abroad, underscored the importance of religious freedom as one of our worldwide human rights objectives, and urged increased reporting on problems in the area of religious freedom. Posts were asked to give special attention in their reporting to specifying the religions or denominations that are targets of discrimination and persecution. In 1997 U.S. missions abroad were again instructed to give careful attention to issues of religious freedom, to increase their reporting, and to focus also on treatment of non-traditional religions and sects. As a result of these instructions there has been an increase in the reporting from posts on issues of religious freedom and religious persecution.

In the last few years we have increased our efforts to cover religious persecution in even greater detail than before in the annual reports, and we do not believe that an additional reporting requirement is really necessary.

Question. Should the report focus on religious freedom, not religious persecution? Shouldn't this report be one that indicates where a country is on religious freedom rather than an accusatory document citing incidences of religious persecution that may not be government approved?

Answer. The goal of the legislation should be to facilitate U.S. Government efforts to promote religious freedom and oppose violations of this right. It should serve to reinforce our message to other governments about the importance of the universal right to freedom of religion. We would urge that the terms in the legislation reflect this goal and refer to religious freedom. Furthermore, religious persecution generally covers only limited acts of violations of religious freedom.

Legislation focusing on "religious freedom," rather than on "religious persecution," would facilitate more extensive reporting and discussion about country conditions, giving credit where credit is due and clearly highlighting problems and violations where they exist.

Question. How many countries would be on the report each year? I understand that Belgium would be on the list?

Answer. It is difficult to give an exact number, but we would make a good faith effort to comply with the legislation. The definition of "religious persecution" in the Nickles bill would likely require us to report on a majority of the countries in the world. As a result of the current definitions in the Nickles bill, many countries with overall good practices on religious freedom could be categorized and cited as engaging in one or more acts of "religious persecution" as defined in the bill.

The example provided in my testimony was Austria, which grants certain education benefits and subsidies to groups that qualify for registration and recognition but does not in fact require registration or restrict groups' freedom to worship.

Question. If this report is one that labels and threatens, isn't this just another counterproductive jab at a country that threatens their sovereignty? Doesn't this turn into an elevated political debate rather than a focused, behind-the-scenes effort to combat religious intolerance?

Answer. We need to remain focused on the important goal of ensuring that believers of whatever faith are permitted to exercise their right to religious freedom. We need to have a full range of options for addressing this issue. Sometimes public condemnation is the best way to press a country to change. Sometimes quiet, personal efforts by diplomats, other officials, or even private citizens, can be the best way to bring about change. We need to pick the best approach for each problem.

Question. Does the U.S. have incidences of religious persecution? Yet, certainly, we can claim to have religious freedom?

Answer. While there is religious intolerance among certain groups in the United States, there is no state-sponsored religious persecution. In fact, our Constitution and legal system were written to ensure freedom of religion. Privately held intolerant opinions occasionally lead to criminal acts, which are vigorously prosecuted by the authorities. Examples would include attacks on Muslims and mosques following the Oklahoma City bombing, anti-Semitic attacks by racist groups and the deliberate burning of predominantly Black churches. The U.S. Government established a special task force to investigate church arson and provided funds to rebuild the church structures. In our foreign policy we can and do distinguish between religious persecution carried out or sanctioned by public authorities and criminal acts perpetrated by individuals without any government connivance.

We are indeed able to proclaim in international fora that the U.S. Government safeguards religious freedom. For example, the Department of State reported to the U.N. Human Rights Committee on Civil and Political Rights (July, 1994) that "people in the United States have broad freedom to practice their religions. Government restrictions on the exercise of religion have been permitted only to the extent that those restrictions are embodied in neutral laws designed to protect public health and welfare, or where religious practices otherwise pose a substantial threat to public safety."

Question. How would being listed in the report affect a country that is moving toward religious freedom?

Answer. A report that is focused on "violation" countries—whether or not the government is responsible—and that deems that all countries included in the report are worthy of punitive action sends a strong, public, negative message. In some cases, this may be an appropriate and effective message to convey. In other cases, it may in fact be counterproductive and impede our human rights diplomacy and cause further persecution of religious minorities.

The bill's Annual Report on Religious Persecution would include countries where the government is responsible for the acts of persecution, as well as those where it is not. Inclusion in a report that labels a country as a violator, regardless of the government's ability to control the violations, could play into the hands of extremists seeking instability and further weakening of the government.

Question. Shouldn't we attempt to take truly gross violators of religious freedom, as we do human rights, to the UN or, on our own, pursue multilateral sanctions rather than unilateral sanctions which don't work?

Answer. We are already spotlighting gross violations of human rights in multilateral fora, including violations of the fundamental rights to religious freedom and freedom of conscience. The U.S. Government, for example, opposes most types of lending by international financial institutions to China, Iran and Sudan in part because of these countries' policies of religious persecution. At the UN Human Rights Commission, countries that do not respect the freedom of conscience of their citizens are frequently censured by the international community.

QUESTIONS SUBMITTED BY SENATOR ASHCROFT

Question. Reports indicate that the President will begin his visit to China with an appearance at Tiananmen Square. If the President is going to Tiananmen Square in June, why not visit the site on June 4, the anniversary of the Tiananmen massacre?

Answer. During warm weather months, it is Chinese practice to hold arrival ceremonies for heads of state in front of the Great Hall of the People adjacent to Tiananmen Square. The arrival ceremonies for other heads of government who have visited China since 1989, including the U.K., Russia, Japan, France and Israel, have been held there.

The President's strong views about what happened in Tiananmen in 1989 are well-known and a matter of public record. He made clear in his public statement

carried live over Chinese television to an estimated 300 million viewers that the use of force to break-up the demonstrations, and the consequent killing of many innocent civilians, was wrong and a grave mistake by the Chinese leaders.

Question. What will the President say in Tiananmen Square? Will he honor the students that were killed there in 1989?

Answer. In his public statement immediately after the Tiananmen Square arrival ceremony, President Clinton emphatically declared that the use of force to break up the 1989 demonstrations, and the consequent loss of life of many innocent civilians, was wrong and a grave mistake by the Chinese leaders. The statement was broadcast over live television to an estimated 300 million viewers in China.

Question. The Chinese government has engaged in a systematic and massive campaign to repress religious minorities, and has implemented a general repression of political dissent in China. Therefore, why did the Administration not introduce and support a resolution to condemn China's human rights atrocities at this year's meeting of the U.N. Human Rights Commission?

Answer. The United States decided not to sponsor a resolution on China at the U.N. Human Rights Commission in Geneva this year because of steps taken by China and in anticipation of further progress.

Among those steps China has taken are: (1) its decision to sign the International Covenant on Civil and Political Rights, which codifies the principles of the universal declaration on human rights; (2) its signature of the International Covenant on Economic Social and Cultural Rights in the fall of 1997; (3) the release of a number of prominent political prisoners whose cases we have highlighted to the Chinese government; (4) its invitation to the U.N. Arbitrary Detention Working Group which visited Chinese prisons, and its agreement in principle to an exchange of U.S. and Chinese prison officials; (5) its agreement to create a U.S.-China forum for discussion of human rights issues.

Our decision does not mean we accept that China's human rights record is satisfactory; it is not. We will speak out publicly about that record and advocate forcefully for human rights progress through diplomatic channels as well.

Question. Was there a deal struck with the Chinese government that the United States would not introduce the resolution in exchange for the release of a select few political prisoners?

Answer. The U.S. decided not to sponsor a resolution for the reasons noted above, i.e. because of steps China has taken and further steps which we expect to be taken.

Question. The 1996 State Department Report on Human Rights practices stated that "No dissidents were known to be active at year's end" in China. In this country of over 1 billion people, would you say that is still an accurate assessment of the level of political dissent in China?

Answer. No. The State Department's 1997 China Human Rights Report noted that a number of dissidents, academics, and former officials issued public statements, letters or petitions challenging the government's policies or advocating political reform. Generally speaking, the government's response to dissent over the past year has been somewhat more tolerant than in recent years.

Question. If the Administration has reservations about the Nickles bill and the Wolf-Specter legislation on religious persecution, what kind of legislation would you propose to deal with this problem?

Answer. The goal of any legislation addressing religious freedom issues should be to facilitate U.S. Government efforts to promote religious freedom and oppose violations of this right. It should serve to reinforce our message to other governments about the importance of the universal right to freedom of religion.

As currently drafted, the Nickles bill would be counterproductive to our efforts to pursue religious freedom globally. By forcing the Administration to identify, label, and sanction violators and gross violators of religious freedom, the bill could undermine or even halt our bilateral and multilateral human rights diplomacy.

We would like to work with the Congress to craft legislation that would strengthen existing mechanisms to deal with the problem of violations of religious freedom. We should avoid creating new or parallel structures which could produce fragmented or ineffective policy on this issue.

Question. What did the President mean when, in discussing a religious persecution bill now pending before Congress, he stated such legislation would place "enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on?"

Answer. I would not presume to speak for President Clinton. That said, I would be glad to point out some of our serious concerns with the Wolf-Specter legislation.

The Wolf-Specter bill mandates a wide variety of automatic sanctions against governments that either engage in religious persecution or fail to combat societal persecution. The mechanics appear designed to make sanctions more likely to be imposed,

cumbersome to waive and difficult to terminate. The stringent “national security” standard of the waiver would appear to shut the door on any considerations of US policy interests that do not rise to the level of a direct threat to our national security (e.g. regional peacemaking and stability, environmental protection, etc.).

The bill provides no flexibility to tailor our religious freedom policies to differing circumstances in different countries. Influencing policy would be sharply limited as a consequence. Affording the President such limited discretion in the area of foreign affairs is contrary to the national interest and constitutionally suspect.

In addition, the imposition of automatic sanctions would have little effect on government-sponsored religious persecution in most countries, but would make a productive human rights dialogue with sanctioned governments far more difficult or even impossible. It runs the risk of strengthening the hands of governments and extremists who seek to incite religious intolerance. We fear reprisals by repressive governments against religious persecution victims. The bill also runs the risk of harming vital bilateral relations with key allies and regional powers.

President Clinton and Secretary Albright have made it crystal clear that the issue of religious freedom is a foreign policy priority. We are committed to working in the most effective way to combat the persecution now victimizing many people of faith around the world.

Question. Have you, or to your knowledge, the President, ever misrepresented information to Congress concerning human rights practices of other countries, either in a formal certification process or in general testimony?

Answer. No. The Country Reports on Human Rights Practices has a widespread and well deserved reputation for thoroughness, accuracy, objectivity, and credibility. The descriptions of the human rights situations in various countries that we provide in the Country Reports—including the accounts of the practices of some of our closest friends and allies—are comprehensive and hard hitting. My bureau, the Bureau of Democracy, Human Rights and Labor, spends thousands of person-hours every year closely reviewing and actively editing the draft Country Reports submitted by our embassies, to correct any inaccuracies or omissions and to ensure consistent compliance with our standards. There is an increasing consensus as to the high quality and thoroughness of the Country Reports.

QUESTIONS SUBMITTED BY SENATOR BIDEN

Question. Please comment on the definition of “religious persecution” set forth in Section 3(9) of S. 1868. How does it compare with law on the right to religious freedom?

Answer. Although international human rights law does not define religious persecution per se, perhaps the closest term would be “intolerance and discrimination based on religion or belief,” which is defined in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, as: “any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.”

The Nickles’ bill definition of religious persecution as any violation of the right to freedom of religion appears to be far broader. While it is important to oppose any violation of this universal human right, all such violations do not necessarily fall within the definition above or constitute persecution of individuals based on religion.

Violations of religious freedom generally refer to violations of the right to freedom of religion as defined and protected in several international instruments. The Charter of the United Nations calls on the organization and its Member States to “promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly on December 10, 1948, recognizes in Article 18, that “everyone has the right to freedom of thought, conscience and religion” as a right stemming from the inherent dignity and equality of every person. It also provides the individual with the “freedom to change his religion or belief” and the “freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teachings, practice, worship, and observance.”

A number of widely adopted human rights treaties clearly obligate States Parties to respect freedom of religion. The most widely supported treaty protective of religious freedom is the International Covenant on Civil and Political Rights (ICCPR), ratified by a majority of United Nations Member States, including the United States. The ICCPR provides a detailed summary of the most basic guarantees for freedom of religion in Article 18, which states:

(1) Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

(2) No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

(3) Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others.

(4) The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

The U.N. General Assembly's Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by consensus in 1981 provides the most extensive description of religious freedom in an international instrument. The Declaration is not binding on States, but provides important guidelines that were accepted by consensus and that reflect established principles of customary international law. This declaration makes clear that religious freedom includes: the right of each individual, alone and in community with others, to worship and assemble; maintain religious institutions; make, acquire and use necessary articles and materials; write, issue and disseminate relevant publications; teach in suitable places; solicit and receive voluntary contributions; train, appoint, elect or designate leaders; observe days of rest and celebration; and establish and maintain communications with others.

Question. It has been argued by some that the procedure established in this bill may complicate US efforts to promote religious freedom, instead of furthering those efforts. In your position, you have had the opportunity to hear from some of the communities that would be most affected by this legislation. What has been the reaction of religious communities overseas to the legislative proposals now before Congress? Do you believe this legislation adequately protects those it seeks to help? Has the Advisory Committee on Religious Freedom Abroad, or any of its members, taken a position on this legislation?

Answer. If we are to identify, label and sanction a country for its treatment of a particular religious group, it could place that religious group in greater jeopardy by extremists who would wrongly cite them as the reason for punitive policies by the United States. Inclusion in a report that labels a country as a violator, regardless of the government's ability to control the violations, could play into the hands of extremists seeking instability.

In addition, if we were to identify countries as sanctionable or to actually sanction countries it would become difficult for Americans to exercise their faith by proceeding overseas as missionaries to establish churches in such countries.

The Advisory Committee on Religious Freedom Abroad has not taken a position on the legislation. I would refer you to individual members of the committee for either their personal views or those of the organizations they represent.

Question. The definition for religious persecution used in the bill appears to establish an indiscriminate standard for determining whether a country "engages in or tolerates" religious persecution. It would appear to set an extremely low threshold, such that dozens of nations may be labeled as religious persecutors. I realize that you cannot predict the outcome with certainty, but how many nations, in your estimation, would be "identified" as a government which "engages in or tolerates acts of religious persecution" under Section 102(b)(1)(A)(I) of S. 1868?

Answer. When you have a definition that is as broad as the one in this bill, which is basically any act in violation of religious freedom, it could be read to include, for example, discriminatory actions on behalf of one religion versus another. In my testimony I mentioned the example of Austria, which actually does provide some benefits to one religion and not to some others, even though nobody is required to register and people are allowed to continue to exercise their religion. It would involve publicly branding a large number of countries as sanctionable through an annual reporting process.

Question. You testified that the bill mandates new reporting, training, and other requirements without providing for additional resources. Please provide a cost estimate of the new requirements in the bill. How many additional staff positions, if any, would be required to fulfill these requirements?

Answer. We are very concerned about the burden that additional reporting requirements would place on the department, in a time of diminishing resources.

Speaking for my own bureau, I can tell you that additional unfunded mandates require diversions of resources from what we are doing in other areas to promote human rights.

To complete the reports required in this legislation would require a dedicated full-time reporting staff. We believe it would take twelve well-trained officers and two secretaries, plus new equipment. My bureau estimates the cost in excess of a million dollars.

Question. In your experience as head of the Bureau of Democracy, Human Rights and Labor, what methods have you found to be the most effective in promoting respect for human rights standards?

Answer. It's difficult to answer this question simply, since the circumstances in each country are different.

In most cases, the first and most effective step to promoting greater respect for human rights in a country is to have objective reliable information about the true situation in that country. I believe that our Country Reports on Human Rights practices is an important tool in that respect.

Technical assistance can also play an important role. In countries that have embarked on the difficult process of political reform, this can be one of the most effective methods. By supporting the efforts of NGO's or other organizations that provide guidance on election issues, training for judges and defenders, or assistance to indigenous human rights groups, we can have a significant impact. Even in countries in which the government is opposed to change, the assistance that the US government and international organizations provide to support civil society programs—for example, groups to protect the interests of women or children in the workplace or to promote environmental issues—can lay the foundation for the development of more transparent and accountable government, which can be a first step toward greater respect for human rights.

We also have an array of bilateral and multilateral diplomatic measures to use. We rely first on the ability of our Embassies to influence the views and decisions of host country governments. Sometimes that is best done in quiet approaches to officials, and sometimes in a more direct and open manner, through press statements or formal demarches. In some cases, we may find it effective to warn a country that bilateral assistance decisions will be affected by its human rights record. While the situation differs from country to country, some regimes are willing to forego US foreign assistance in order to repress political movements that could endanger their supremacy. This is especially true if other donors do not join with us in reducing or ending assistance.

Finally, I would address the issue of sanctions. Sanctions should remain in our arsenal of potential measures. We have used bilateral sanctions recently, for example, in the case of Burma and of Sudan, in response to human rights abuses in both countries. In Nigeria, we have applied a visa ban which prevents travel to the US of Nigerian officials. We should be aware, however, that economic sanctions are most effective when they are multilateral, rather than bilateral.

QUESTIONS SUBMITTED BY SENATOR FEINGOLD

Question. For many years, the State Department has produced an annual report on the state of human rights around the world, with detailed profiles on each country. These reports include a discussion of religious persecution. How does the State Department define religious persecution? What type of information is included in the report? How does the State Department monitor religious freedom during the year? Can you make any generalizations about the state of religious freedom around the world? Do you think the current level of reporting on religious freedom is sufficient? Why or why not? In what ways might it be improved?

Answer. The Universal Declaration of Human Rights provides for the right of all persons to freedom of thought, conscience, and religion. This right includes freedom to change one's religion or belief, and freedom—either alone or in community with others, and either in public or private—to manifest one's religion or belief in teaching, practice, worship, and observance. The actions of governments that violate these rights and persecute persons because of their religion or belief, are detailed in the Department of State's Annual Country Reports on Human Rights Practices, which provide a description of the situation regarding religious freedom in each country covered. The country reports address the question of whether or not a country's constitution or other basic law provides for the right to practice the religion of one's choice, and if so, whether the government respects and enforces that right in practice. The country reports note the existence of an official state religion, or an otherwise dominant religion, and whether or not that adversely affects religious freedom for others.

In order to determine whether religious persecution exists, the country reports analyze myriad factors in each country. For example, the department of state considers the existence of various types of restrictions on religious freedom such as whether a government bans or discourages specific religions or religious factions. The country reports distinguish between the treatment of different subgroups within particular religions, e.g., members of Christian or Muslim subgroups who face discrimination or persecution, whereas other members of these religions do not.

The Country Reports also describe the many ways in which governments restrict religious freedom. For example, whether a government restricts organized religions in establishing places of worship and training numbers of clergy adequate to serve believers; whether a government requires religious instruction in public schools (and if so, whether it is limited to instruction in a state or otherwise dominant religion); whether a government requires that religious groups be licensed, and if so, what controls it imposes; whether a government restricts religious publishing (including publications in languages such as Latin, Hebrew, and Arabic, which have religious significance); and whether a government prohibits links with co-religionists in other countries, or with a supranational hierarchy (such as the Vatican). The Country Reports also examine whether a government prohibits religious travel, such as the Hajj; whether a government designates religion on passports or national identity documents; whether a government prohibits or discourages conversion to minority religions; whether a government persecutes converts to minority religions; and whether a government forbids missionaries from entering the country or restricts their activities (e.g., proselytizing).

The Country Reports also cover problems of societal discrimination and violence against members of religious minorities. The reports cover religiously motivated violence by sects, private groups, or individuals, and sectarian rioting and/or violence. They include instances of discrimination/harassment by members of one sect of a religion against those who belong to another sect. The reports also cover societal or governmental discrimination against members of religious minorities with respect to employment, education, housing, and health services, etc.

Department of State officers, both in Washington and overseas, monitor religious persecution on a year-round basis. They maintain contacts with government officials, nongovernmental organizations, and leaders and members of numerous religious denominations. In 1993 the secretary of state instructed all embassies to establish inter-agency committees on human rights. In recent years the department of state has made additional efforts to aggressively pursue issues of religious freedom in the field. In December 1996, the Department alerted all U.S. diplomatic missions to the establishment of the Secretary of State's Advisory Committee on Religious Freedom Abroad, underscored the importance of religious freedom as one of our worldwide human rights objectives, and urged increased reporting on problems in the area of religious freedom posts were asked to give special attention in their reporting to specifying the religions or denominations that are targets of discrimination and persecution. In 1997 U.S. missions abroad were again instructed to give careful attention to issues of religious freedom, to increase their reporting, and to focus also on treatment of nontraditional religions and sects. As a result of these instructions there has been an increase in the reporting from posts on issues of religious freedom and religious persecution.

In general, the state of religious freedom around the world is decidedly mixed. As I noted in my statement before the committee, there are numerous instances of violations of religious freedom, including discrimination, persecution, and legislative restrictions.

I believe that the current level of reporting on religious freedom is both extensive and sufficient. The Annual Country Reports on Human Rights Practices is widely viewed as an objective, thorough, and credible summary of the human rights practices of over 190 countries. In the last few years we have increased our efforts to cover religious persecution in even greater detail than before in the annual reports, and we do not believe that an additional reporting requirement is really necessary. Preparation of the Country Reports requires the efforts of hundreds of department officers, both in Washington and at our embassies and consulates overseas. We are very concerned about the burden that additional reporting requirements would place on the Department, in a time of diminishing resources.

Question. The Nickles bill would establish a US Commission on Religious Freedom. What, in your view, would be the difference in mandate of such a commission and the already-established Advisory Committee on Religious Freedom Abroad? Can you briefly explain the pros and cons of each, from your perspective?

Answer. In December 1996, the Clinton Administration established the Secretary's Advisory Committee on Religious Freedom (AC) as a demonstration of commitment to address issues of religious tolerance through new and creative means.

The Advisory Committee convenes large public meetings where they receive statements from experts and other members of the public, and it holds small working group sessions to elaborate a public report for the Secretary of State and the President. Their work involves discussions with a broad range of interested parties: religious communities, congressional offices, academic institutions, human rights organizations, business corporations, and labor groups, as well as various sectors of the US Government, such as State, DOD, INS, NFATC, USIA, USAID, and Commerce. Their primary function is to advise the U.S. Government on ways of enhancing U.S. foreign policy to oppose violations of religious freedom—including persecution, to facilitate conflict resolution and reconciliation, and to promote religious freedom.

There are several differences between the current Advisory Committee and the Commission on International Religious Persecution proposed in the Nickles bill. The Nickles Commission would consist of an extremely limited membership and would risk being unrepresentative, unlike the membership of the Advisory Committee. The current Advisory Committee consists of twenty persons who are religious leaders representing millions of Americans of different faiths and scholars who have dedicated their professional lives to focus on religion and human rights. The diversity conveys a strong message around the world that, despite theological differences, individuals of every faith can stand united in pursuit of freedom of religion for all.

The participation of a broad variety of leaders from among the rich diversity of faiths in America and worldwide has also been extremely helpful in addressing sensitive incidents of religious persecution around the world. When the Russian Duma moved to restrict religious practice in Russia, for example, Father Leonid Kishkovsky, an Advisory Committee member, was extremely helpful in facilitating dialogue with the leadership of the Russian Orthodox Church. Members of our Advisory Committee representing different branches of Islam also helped reinforce our communications with the Saudi Government regarding the importance of religious freedom. And several members of our Advisory Committee representing Evangelical, other Protestant, and Catholic communities, have been instrumental in establishing dialogue with vulnerable communities of faith in various countries. Advisory Committee members of different faiths have intervened directly on behalf of victims of persecution and led important inter-faith initiatives for conflict resolution.

We are also concerned by an imbalance in the process for appointing members to the Commission. Under the Nickles bill, the Congress would select twice as many members as those selected by the Administration. We believe that Congress should select half the membership and that the Administration select the other half. There should also be a process for coordinating the selection of members to help ensure that the final make-up of the Commission be fair and balanced, representative of the many religious traditions in America.

The goal of the Commission should be to facilitate U.S. Government efforts to promote religious freedom and oppose violations of this right. It should serve to reinforce our message to other governments about the importance of the universal right to freedom of religion. We would urge that the Commission's name reflect this goal and be the Commission on International Religious Freedom.

The Advisory Committee on Religious Freedom Abroad delivered an Interim Report to the Secretary of State and the President in January 1998. The Secretary of State has already moved to implement appropriate recommendations and the President has distributed the report to all U.S. Government agencies and urged careful consideration and implementation of the recommendations as appropriate. The Nickles bill should also clarify the role of the Commission as advisory. The responsibility for determining and implementing U.S. foreign policy properly lies with the Administration and the Congress.

Question. The issue of religious freedom is addressed in several important treaties. These include: the Universal Declaration of Human Rights, adopted by the UN General Assembly on December 10, 1948; the International Covenant on Civil and Political Rights (ICCPR); and the UN General Assembly's Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief. With respect to these treaties, I was struck by a section in the January 23, 1998 Interim Report of the Advisory Committee on Religious Freedom Abroad, which you chair. The section reads:

The global nature of this issue is illustrated by the very fact that religious freedom is dealt with in a number of international treaties and covenants. As such, members of the international community cannot dismiss valid criticism of actions and policies that contravene these international instruments as 'interference in a country's internal affairs.' The universal nature of the issue and the manner in which it has been addressed by the international community essentially define violations of religious freedom and other human rights as concerns of the world community as a whole.

The denial of religious freedom to anyone is, therefore, a matter of concern for all and an issue that should be raised in international fora and in the course of normal diplomatic contact ...

Can you elaborate on the assertion that states essentially have a "right" to raise issues concerning religious freedom with other states? From this perspective, is there a difference between the treatment of religious freedom and that of other human rights?

Answer. There is no question that states have a right to raise the issue of human rights, including religious freedom, both bilaterally and in international fora. This right flows directly from the international treaties and covenants that protect human rights and religious freedom. Religious freedom is not only an American value, it is also a universally recognized human right. By adhering to international human rights instruments, such as the Universal Declaration and the ICCPR, states have assumed the obligation to protect all human rights. Therefore there should be no difference between treatment of religious freedom and other human rights. In that regard, the President and Secretary Albright have made it clear that advancing religious freedom is a foreign policy priority of the United States. All U.S. diplomatic posts have been instructed to place greater emphasis to religious freedom both in reporting and in advocacy with foreign governments. In addition, the U.S. has worked to promote religious freedom in multilateral fora, such as the UN Human Rights Commission.

Question. To what extent is the issue of religious freedom discussed in the context of the UN Commission on Human Rights? What has been the US position in this regard?

Answer. Religious freedom is a core concern of the UN Commission on Human Rights, which addresses the issue in a variety of ways. In 1986, for example, the Commission, with strong backing by the U.S., created the position of Special Rapporteur on Religious Intolerance, whose mandate is to examine incidents and governmental actions in all parts of the world that are inconsistent with the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief (adopted by the UN General Assembly in 1981), and to recommend remedial measures. The current rapporteur has visited numerous countries, including China, Iran, Pakistan, Greece and the Sudan. He visited the U.S. earlier this year.

The Commission also addresses religious freedom through a series of thematic resolutions. In 1998 these included resolutions on Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief; on Freedom of Expression and Opinion; on Tolerance and Pluralism as Indivisible Elements in the Promotion and Protection of Human Rights; and on Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities. The U.S. took a leading role in negotiating the texts and co-sponsored these resolutions, all of which were adopted by consensus at the Commission. Furthermore, we joined consensus on an omnibus resolution on racism, which, among other things, urged governments to cooperate with the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, whose mandate allows him to investigate discrimination and intolerance worldwide, including anti-Semitism.

In addition, country-specific resolutions, as appropriate, condemn religious intolerance. For instance, at this year's Commission the U.S. once again introduced a resolution on the Sudan, which condemned that country for a number of serious human rights abuses, including denial of the freedom of religion. The resolution passed by a wide margin. We also supported resolutions condemning human rights abuses, including religious persecution, in other countries, such as Iran, Iraq, Burma and Afghanistan.

Question. Are there examples of countries in which persecution based on religious belief is more prevalent or egregious than persecution based on the denial of other human rights? If so, where? Are there places where the opposite is true, i.e., where freedom of religion is accepted or tolerated, while other civil liberties are not?

Answer. In general, countries that have constitutional safeguards for the civil liberties of their citizens, and an independent judiciary, do a good job of defending the religious freedom of their citizens as well. There are some countries which have an array of human rights problems but do not, on the whole, have problems with religious freedom. Cambodia is one example; Peru is another. This situation most often arises when most of the population share the same faith. In Cambodia, for instance, there are ethnic tensions between native Khmers and Vietnamese residents, and political differences between parties and factions, but almost all citizens of the country are Buddhist, and there have not been reports of interference with the religious practices of the few non-Buddhists there. In a number of countries, there are problems suffered by certain religious minorities despite a generally acceptable record

of respect for human rights. For example, Jehovah's Witnesses face restrictions in many countries, including several in Europe.

Question. In an effort to integrate policies that promote religious freedom, the January 23 Advisory Commission Interim Report recommends that the Secretary of State should create a high-level position and possibly a new office to focus on religious freedom. Do you think this is necessary? How would such a person contribute to the existing work that is already conducted by your bureau on this topic? Do you support the provision in the Nickles bill that would establish an Office of International Religious Freedom to be headed by an Ambassador-at-Large who would be subject to Senate confirmation? Why or why not?

Answer. In June 1998, the President announced the appointment of a new Senior Advisor for International Religious Freedom, Dr. Robert Seiple. Secretary Albright created the position which will be located in the Bureau of Democracy, Human Rights and Labor. The Senior Advisor will be responsible for developing policies that promote religious freedom and facilitate conflict resolution around the world by coordinating an interagency approach to integrate religious freedom fully in U.S. foreign policy. He will also facilitate the work of the Advisory Committee on Religious Freedom Abroad.

The title of Ambassador-at-Large is generally used for permanent temporary assignments and would be inappropriate for this position.

Question. The Advisory Commission Interim Report makes several other recommendations regarding State Department action. With the acknowledgment that this report was released just a few months ago, please comment on the extent to which the following recommendations have fed into State Department processes and/or whether plans are being considered to implement them:

- religious freedom concerns should be incorporated into all appropriate high-level meetings and visits;
- embassies should raise routinely cases of imprisoned religious believers and other individual cases where religious freedom is violated;
- the State Department and other government agencies should pay special attention to the status of religious freedom when considering arms sales or military assistance, or economic aid;
- foreign affairs officers should receive special human rights training.

To what extent, if at all, would such action imply that the issue of religious freedom is being given greater emphasis than other civil liberties in terms of Department activities?

Answer. The Clinton Administration has placed unprecedented emphasis on supporting religious freedom worldwide and has worked to make this concern a central element of U.S. foreign policy. The President and the Secretary of State have raised this issue with leaders from China to the Middle East and have made it clear to U.S. Government officers serving in every corner of the world that religious freedom is a foreign policy priority. In addition, this message was emphasized by the establishment of the Advisory Committee on Religious Freedom Abroad and through its activities, which have included the participation of a full range of U.S. Government officials, ranging from the President to desk officers.

In the last two years, Secretary Albright has sent a series of cables to U.S. posts throughout the world instructing our embassies to step-up their advocacy and reporting on this issue. The recommendations in the Advisory Committee's Interim Report reinforced this message and offered suggestions for enhancing these actions.

The issue of religious freedom is squarely on the U.S. agenda with foreign leaders throughout the world. During his recent trip to China, for example, the President raised the issue in his private and public meetings, and I had a separate meeting with the Director of the Chinese Bureau of Religious Affairs. Our Ambassadors are intervening more frequently with host government around the world to raise the issue and seek the resolution of cases of religious persecution. Reporting on this issue has become more routine and detailed.

The Administration has made it clear that the promotion of human rights, and specifically religious freedom, is a central part of U.S. foreign policy—whether it involves economic, military, or other types of assistance. The State Department and other government agencies currently evaluate the impact of arms sales or military assistance on human rights, which includes religious freedom. We are working with U.S. corporations to promote the Model Business Principles established by this Administration as a voluntary code of conduct to help companies uphold and promote universal human rights standards, including religious freedom. Whether State Department officers are responsible for political, consular, trade, or military affairs, the National Foreign Affairs Training Center provides them with basic training which includes information on human rights. The Advisory Committee recommenda-

tions are helpful, nonetheless, in identifying areas involving religious freedom that can be further strengthened or improved.

This year, we are facilitating meetings between Advisory Committee members and additional U.S. agencies, including the National Security Council, the Department of Defense, the National Foreign Affairs Training Center, as well as nongovernmental and religious groups focused on promoting U.S. policy to advance religious freedom and other human rights.

Religious freedom is a cherished human right for Americans. U.S. policies are designed and intended to promote freedom of religion and other human rights in Universal Declaration of Human Rights. We are highlighting and pursuing the issue using the range of foreign policy tools currently available to us.

Hearing of May 12, 1998

Prepared Statements of Committee Members and Witnesses

PREPARED STATEMENT OF CHAIRMAN HELMS

Today's hearing is to assess the incredible, senseless injustice of religious persecution abroad and to focus on legislation designed to end this injustice.

Specifically, we will discuss S. 1868, the International Religious Freedom Act of 1998, sponsored by Senators Nickles, Lieberman and others. The Committee is honored to have the senior Senator from Oklahoma, Senator Nickles and the junior Senator from Connecticut, Senator Lieberman here to testify on behalf of their proposal.

I am a co-sponsor of this bill, and I am hopeful that it will receive broad bipartisan support from this Committee and the Senate as a whole.

The Committee will also hear today the Administration's perspective on the state of religious freedom abroad, as well as what steps have been taken to address this persistent human rights problem. Secretary Shattuck, Assistant Secretary for Democracy, Human Rights and Labor, will discuss with us the Administration's position on the International Religious Freedom Act.

This Committee has led several historic steps taken by the Senate in recent days to advance U.S. foreign policy interests—including passage of a far-reaching State Department reorganization and U.N. reform package and the NATO Expansion Treaty.

Nevertheless, I believe it is obvious that neither initiative has stirred the hearts and souls of the folks back home in churches and synagogues to the same degree as learning about the growing persistent torture and abuse of Christians, Jews and other religious minorities at the hands of intolerant foreign governments.

Americans are eager to learn what their government is doing to ease the suffering of their brothers and sisters overseas. They are not at all satisfied with the answers they are getting. I am sure these people—who are the backbone of this nation—have no quarrel with establishing special committees, or issuing reports, or having high level meetings with church groups. But Americans are looking for concrete action from the State Department and the White House—and certainly, people persecuted because of their faith in foreign lands deserve more than kind words and gestures.

It is important to emphasize that this issue, and the growing concern of Americans, have not fallen on deaf ears among Senators on this Committee. I especially want to thank Senators Brownback and Ashcroft for using their subcommittees to focus attention on this issue.

Senator Brownback chaired two hearings to examine several of the most egregious examples of religious persecution in the Near East. Senator Ashcroft held a moving hearing on the tragic plight of Christians in southern Sudan. (These innocent people have been brutally tortured, sold into slavery and, in some instances, literally crucified by the radical Islamic government simply because of their faith in Christ.)

Senator Gordon Smith offered an amendment to the foreign aid bill in response to a Russian law restricting religious freedom. Many other Senators have also actively promoted the cause of religious freedom and tolerance abroad.

The point is this: an increasing number of Members of Congress are coming to the conclusion that we, as a people and a government, must do more to advance the cause of religious freedom across the globe. That is why the International Religious Freedom Act and other proposals are moving through Congress.

This is not a partisan issue, and S. 1868 is not a partisan bill. Furthermore, the bill does not favor one faith over another. Democrats and Republicans, conservatives and liberals, are deeply concerned regardless of whether the U.S. Government is the leader—in word and in deed—in promoting religious tolerance abroad.

It is often pointed out—and I believe it with all my heart—that no matter what laws are enacted, religious intolerance will never be erased from the earth. I also believe that the prayers of millions of Americans and other believers around the world will accomplish more than any Act of Congress.

That does not mean we should not try. I hope the Administration will join with us as we attempt to strengthen U.S. leadership in this area.

PREPARED STATEMENT OF SENATOR NICKLES

Mr. Chairman, Members of the Committee, I greatly appreciate the opportunity to speak to you today on the issue of religious persecution and religious freedom. This is an issue that has troubled me for some time. I greatly value the right I have to worship as I please. In fact, I consider it to be one of the most precious rights I have. Unfortunately, in far too many countries around the world religious persecution is common place and in still more countries state laws and policies restrict religious freedom.

For many years I have worked with my colleagues, Senator Helms, Senator Lugar and Senator Nunn to help win the freedom of those around the world who have suffered because of their religious beliefs. While we have been successful on many occasions, sadly in some cases we have not been successful. Most of this work was done quietly and behind the scenes.

I should also mention, Mr. President, that in 1996, I was honored to sponsor a Senate resolution on religious persecution, which passed by unanimous consent. In that resolution, the Senate made the strong recommendation “that the President expand and invigorate the United States’ international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States’ policies that affect persecuted Christians.”

Congressman Frank Wolf and Senator Arlen Specter have done marvelous work during the past year in bringing this issue to the attention of the public. Were it not for their work, I am certain that we would not be having this hearing to discuss this issue. Therefore, I want to publicly thank my friend in the House, Congressman Frank Wolf for his marvelous efforts and of course our colleague and my friend in the Senate Arlen Specter for his outstanding efforts as well.

Mr. Chairman, we are here to discuss the tragic reality that literally millions of religious believers around the world live with the terrifying prospect of persecution—of being tortured, arrested, imprisoned, or even killed simply for their faith. Millions more around the world are denied, by government policy, the ability to practice their religion. I believe some hope can be found in the bill that Senator Lieberman and I introduced, the International Religious Freedom Act.

The International Religious Freedom Act will establish a process to ensure that on an ongoing basis, the United States closely monitors religious persecution worldwide. I want to briefly touch upon some of the aspects of the International Religious Freedom Act that I believe are important.

The Nickles bill is more comprehensive

International Religious Freedom Act uses a broad definition of religious persecution. This definition ranges in scope from the most egregious form of religious persecution imprisonment, torture or death—to the most common—the inability of one to speak freely about one’s religion, or to change religion.

This is an important aspect of the bill. If the definition of religious persecution were limited to only torture, imprisonment or death, the International Religious Freedom Act would only cover about a dozen countries, and would not include 90 to 95 percent of the religious persecution that takes place in the world—the ability to practice one’s religion.

An example of the importance of this distinction is the recently passed law in Russia that would put restrictions on the activities of churches in Russia that have not been there for 15 years or more. Despite the fact that more than 90 Senators voted to take action against the Russian government for passing this law, Russia would escape any action if we limited it to only the most severe type of persecution. Clearly under our bill Russia would be held accountable for its actions.

The Nickles bill is more effective and flexible

Under the provisions of the International Religious Freedom Act, the President is required to take action against those countries that engage in religious persecution, although the President is given the discretion to calibrate that action in response to each country’s particular situation. This is an important feature of the bill. Instead of a bill that states if X happens then the government must do Y, the bill allows the President to decide what is the appropriate action to take for that country.

In essence, this allows the President to weigh a variety of factors such as strategic importance, the historical relationship between the United States and that country and the severity of the religious persecution in that country when determining an action, instead of a one sanction fits all countries approach.

Let me explain why I believe this is important. Under the one sanction fits all countries approach, if a country like Egypt were cited as a country that engages in religious persecution, the President would be required to take action. If the President is given only the choice of cutting off all foreign aid or waiving that action, I think we all know that the current President and probably any future President would most likely choose to waive the sanctions rather than cut off aid because of the nature of our relationship with Egypt.

But what kind of a message would this send to the world? A country like Egypt would know that if it has a sensitive relationship with the United States it can persecute people of faith with impunity because the U.S. will waive the sanctions. On the other hand, those countries that don't have a close relationship with the United States will see the hypocrisy in our policy as it becomes the whipping boy for the United States.

As I said, our bill allows the President to weigh a variety of factors such as strategic importance, the historical relationship between the United States and that country and the severity of the religious persecution in that country when determining an action. In the case of country like Egypt, instead of cutting off all foreign aid, or waiving any action, the President can choose to limit a portion of the U.S. assistance provided to Egypt. He can choose to withhold a certain percentage of that assistance until the situation improves, and if it doesn't more aid will be withheld next year.

I believe this flexibility also makes the International Religious Freedom Act more effective. In our bill sensitive countries like Egypt know that there is the possibility that it will lose some of its U.S. assistance if it does not improve its track record, and so it probably will. This contrasts greatly to a country that knows that because of its close relationship with the United States the President will probably waive any action. Thus, making a change in that country's behavior less likely because nothing is at stake and so there is little incentive to change its behavior.

This is also why I believe our approach is extremely effective. We provide the President with a menu of options that makes it less likely that he will waive action and more likely that he will take action.

We need to keep our eye on the goal. The goal of our bill is NOT to punish countries, but to change behavior, and if it is more likely that the President will take an action then it is more likely that behavior will change. And that, Mr. Chairman, in my opinion should be the goal of any legislation dealing with religious persecution—changing behavior in other countries.

The Nickles bill provides for Congressional oversight

A feature of our bill that I really think is important is that our bill allows for Congressional review on any action that the President takes. Under our bill, if the President uses a waiver, or imposes a sanction or a diplomatic measure that the Congress does not agree with, then the Congress can pass a resolution of disapproval overturning the President's action.

I think this is important because even if the Congress fails to pass a resolution of disapproval there will be a public debate in the Congress on the climate of religious freedom in the country upon which the Congress is attempting to change the President's action. This Congressional review also prevents the President from taking an action and the book being closed until next year.

The Nickles bill seeks to promote religious freedom

The International Religious Freedom Act, also seeks to promote religious freedom. The bill insists that U.S. foreign assistance should place a priority on developing legal protections and respect for religious freedom, by promoting exchanges and visits of religious leaders in the U.S. and abroad, and by making one of the priorities of our international broadcast programs the promotion of and respect for religious freedom.

The bill is still a work in progress

I appreciate this opportunity to speak briefly about the bill. I do want to say that it would be very presumptuous of Senator Lieberman and I to think we have crafted a perfect bill. And in fact, the offices of several Senators and several organizations that monitor what we do up here on Capitol Hill have contacted my office to let us know that we haven't. These offices, both on and off the Hill have suggested changes and improvements. I can assure you all that we are seriously considering

the merits of the issues that have been raised and how to best resolve those issues. In other words, the bill is still being worked on, and, I believe, improved.

Having said that, I believe we have crafted a bill that has many positive characteristics that deserve consideration before the Foreign Relations Committee and the Senate as a whole. I firmly believe that this bill can be an effective tool that the United States can use to bring about a change in the world when it comes to religious freedom.

In short, Mr. President, this bill seeks to ensure that the United States Government aggressively monitors religious oppression around the world and takes decisive action against those regimes engaged in persecution, all while maintaining the integrity and credibility of the United States' foreign policy system.

Mr. Chairman, what was a mere resolution in 1996, I hope to see become a reality in 1998. While we acted then with words, I hope we can act now with deeds with the International Religious Freedom Act.

PREPARED STATEMENT OF SENATOR LIEBERMAN

Mr. Chairman, Members of the Committee, it is a great honor to speak before you today. I regard this occasion with mixed emotions. It is solemn, because our presence here today is prompted by the horror—there is no other word for it—of the fact that around the world, as we speak, millions of religious believers are living under the unrelenting fear of imprisonment, torture, abuse, or even death, simply for their faith in God. Yet this occasion is hopeful, because I believe the legislation before you today—the International Religious Freedom Act—has the potential to substantially galvanize our government to take responsible, effective action against such oppression.

There are those who would say that we have no obligation, even no right to take a stand against religious persecution in foreign countries. I disagree. We read in the prophet Isaiah: "Stop doing wrong, learn to do right! Seek justice, encourage the oppressed." Silence and disinterest are not acceptable options. We in America bear a special obligation in this regard because our nation was founded by men and women seeking refuge from oppression for their religious faith. Let us not forget the opening words of faith in our own Declaration of Independence that all men are endowed by their Creator with inalienable rights. Let us not overlook the fact that our Bill of Rights enshrines religious freedom as the First Freedom.

Whether we embrace it enthusiastically or admit it reluctantly, the fact remains that much of the rest of the world looks to our nation for moral leadership. Paul Wolfowitz has said that the fundamental goal of American foreign policy today is to make sure that the 21st century is not a repeat of the 20th Century. Two world wars, a cold war, and the brutal slaughter and repression of millions of people by totalitarian regimes, have made the last 100 years the bloodiest in the history of mankind. A frightening number of those victims have been perversely singled out because of their faith. This cannot be allowed to continue, but if we choose to ignore the oppression, who will be responsible for the results?

Mr. Chairman, this problem is real and urgent and it is not limited to any particular faith nor any particular region. Allow me to cite some of the areas of concern.

- Russia: Last summer Russia passed one of the most restrictive laws since the Soviet era, effectively shutting down a tremendous number of independent churches and religious organizations, and severely restricting the religious freedoms of its citizens.
- Pakistan: The "blasphemy laws," which make any derogatory remark about the prophet Mohammed a capital offense, have been used to terrorize Pakistan's minority faiths, particularly Christians. Just two weeks ago, a Pakistani Christian named Ayub Masih received a death sentence under this law on suspicious, and unproven, charges, leading to the subsequent and tragic death last week of Bishop John Joseph.
- China: The nation with the world's largest total population also has the dishonorable distinction of having the world's largest population of persons imprisoned for their religious faith. Catholics, Protestants, Muslims in the north, and Tibetan Buddhists all suffer under China's totalitarian controls on religion.
- Vietnam: Unfortunately, the recent market reforms in this communist nation have not been accompanied by reforms in personal freedoms. Buddhist monks, Catholic priests, Evangelical pastors, and lay believers of several faiths suffer under the constant threat of arrest, beatings, and imprisonment.

- Egypt: Besides severely restrictive policies against church construction and repair, Egypt has been home in recent years to serious violence against Christians. Islamic militants have murdered Coptic Christians. According to State Department reports, Government security forces have been charged with arresting and torturing Egyptian citizens who made the decision to convert from Islam to Christianity.

Mr. Chairman, the International Religious Freedom Act offers real solutions to the real problem of discrimination and persecution based on religion. Its balanced, comprehensive approach guarantees that our government will take the most effective action against religious oppression and stand up for the rights of the faithful, and, therefore, be true to our unique founding ideals.

The Act begins with a clear and comprehensive definition of religious persecution, encompassing any violations of the internationally recognized norms of religious freedom. This includes both acts of overt violence as well as onerous policy restrictions on the faithful. In other words, we are talking about basic, fundamental human rights standards. Paul Marshall's seminal work *Their Blood Cries Out*, which has served as a manifesto for the recent movement against religious persecution, defines "religious persecution" as "in general, the denial of any of the rights of religious freedom" (p. 248). I should note, Mr. Chairman, that this broad definition of religious persecution is premised on the hard lessons of history. Violent reigns of terror have usually begun with less violent but nonetheless insidious oppression. The seeds of Hitler's genocidal death camps in the late 1930s and 40s were planted in the early 1930s, when Nazi policies restricted and stigmatized the Jewish people. We must not wait until it is too late. We must excise the roots of religious persecution before they have a chance to spread.

The first, and in many ways most difficult task in combating religious persecution is to report the facts. The light of truth-telling must expose these dark deeds. Only when we know can we then act. Over and over again, as many voices have been raised to draw attention to religious persecution, the response we have heard from an awakened public has not been "I don't care," but rather, "I didn't know." When the facts of religious persecution are told, they speak for themselves, and action will follow.

The International Religious Freedom Act contains many provisions to ensure that these facts come to light. U.S. Embassies are tasked with maintaining communication with religious communities and NGOs in order to make sure that their stories are heard. The Act sets consistent, high reporting standards for the "freedom of religion" sections in the State Department Country Human Rights Reports. More importantly, this bill establishes an Annual State Department Report on Religious Persecution, which will highlight and describe those countries where persecution is of particular concern. Finally, it tasks the particular country desks with maintaining lists of persons known to be imprisoned for their faith and publicizing policies that restrict religious freedom. These prisoner lists and issue briefs are to be made available to Executive branch or Congressional leaders who will be meeting with foreign dignitaries, to ensure that particular religious persecution concerns are effectively and consistently communicated.

Mere reporting, however, is not enough. The International Religious Freedom Act establishes an annual mechanism to guarantee that the United States takes effective, responsible action against every country cited in the Annual Report on Religious Persecution. By offering the President a creative "menu" of options, including an array of both diplomatic and economic measures, this bill provides for the most effective response possible. Accordingly, this bill does not constrain our foreign policy to a "one size fits all" remedy, but rather presents a sophisticated, balanced, and comprehensive set of options.

Allow me to note here my personal appreciation for the hard work put in on this important problem by my esteemed colleague Senator Arlen Specter, Congressman Frank Wolf, Mr. Michael Horowitz and many others who have worked tirelessly, first to inform the rest of us and then to lead the fight against the scourge of religious persecution. The Wolf/Specter legislation is a pioneer in this historic awakening of a common cause that we share.

The nature of religious persecution varies tremendously from country to country. Likewise, the status of the relationships between these countries and the United States varies tremendously. By requiring action but allowing significant latitude in choosing the response, The International Religious Freedom Act gives the President the mandate he needs and the options he now lacks as the Chief Executive to lead the battle against the wide array of religious persecution and discrimination.

Consistent with its balanced approach, The Act provides accountability and an independent voice. It establishes a Commission on International Religious Liberty, to be comprised of experts in the fields of religion, human rights, and international

relations. The Commission will enable our government to benefit from the collective expertise of persons whose lives are dedicated to religious liberty. The Commission's independence will also provide a safeguard against the temptation to politicize what should be a non-political, moral crusade.

Mr. Chairman, the imposition of sanctions is not an end in itself. Regimes which engage in religious persecution must be held accountable and The Act contains strong measures in this regard. But we must not overlook the possibilities of preventing oppression by the promotion of religious freedom, and The Act contains several provisions to that end. For example, USAID is instructed to include funding to encourage and assist legal protections for religious freedom in restrictive countries, and the international broadcasting and foreign exchange programs funded by the United States will include attention to religious freedom.

In summary, Mr. Chairman, The International Religious Freedom Act provides tools to every arm of the United States foreign policy apparatus to ensure that combating religious persecution is a top priority. In a larger sense, I believe that this bill, and the movement that sparked it, may herald a renewed vision and purpose for United States foreign policy. Much has been said about the lack of focus in our foreign policy following the end of the Cold War. That debate will continue, as well it should. But it is my strong conviction that our national interest includes a moral purpose. None is greater or more American than protecting the freedom of the faithful. In standing for the rights of believers around the world, we stand for the right, and when America stands for the right, we are at our strongest!

PREPARED STATEMENT OF SENATOR DODD

Mr. Chairman, I want to commend you for holding this hearing today on international religious persecution. I think that this is a very important subject and one that deserves the attention of the Senate and the Executive Branch.

For those of us in the United States who are blessed with religious freedom, we take it for granted that we can worship according to our own personal religious beliefs—and that we can do so openly and without fear of punishment or sanction by our government.

Unfortunately, for far too many people in other parts of the world this is not the case. Many individuals face discrimination, prison and even physical abuse for simply wanting to worship God in the way they believe best. This clearly should not happen. The United States and other governments who have enshrined religious freedom as an important and protected right must take steps to work to ensure that peoples throughout the world are also accorded such a cherished right.

I know that a number of bills have been introduced in the House and Senate on the subject of international religious persecution. Among other things these bills seek to establish U.S. policy and procedures for further religious freedom. They also provide for the imposition of sanctions against those governments which continue to practice religious persecution or tolerate such practice by others. I too would like to see every government around the globe promote and protect the internationally recognized human rights of its citizens, including the right to religious freedom. I believe U.S. policy should have that as its objective. However, I also believe that ultimately the Secretary of State and the President are responsible for carrying out this policy and they can only do so if we give them some measure of flexibility. It isn't possible or practical for the Congress to legislate every detail of how the administration should proceed in order to further respect for human rights, including religious freedom. Moreover, I don't think we want to suggest that other internationally recognized human rights such as freedom of expression, freedom from torture, freedom from sexual abuse, etc., are any less important or deserve less protection than does freedom of religion.

Senators Nickles and Lieberman have introduced a bill that provides some flexibility to the Executive Branch in carrying out the policies articulated in the bill. I believe their approach is a step in the right direction and I would hope we could work together with the administration to further fine tune the legislation so that it can make a useful contribution in furthering respect for religious freedom throughout the world.

Mr. Chairman, I look forward to hearing from our witnesses this afternoon both about the Nickles/Lieberman bill, as well as about the subject of religious persecution generally and U.S. policy initiatives designed to address it.

PREPARED STATEMENT OF ASSISTANT SECRETARY SHATTUCK

Mr. Chairman and Members of the Committee, I would like to thank you for the opportunity to appear before you today to discuss the work being done by the State Department to promote religious freedom around the world and to present our perspective on S.1868, the "International Religious Freedom Act Of 1998." Mr. Chairman, under your leadership, this Committee has worked diligently on human rights, including religious freedom. The Administration has been privileged to work closely with the Members of this Committee to address a wide variety of concerns. We applaud your efforts. I look forward to working with you, your colleagues on the Committee, and your staff in regard to the legislation at hand.

Mr. Chairman, the promotion of religious freedom, both at home and abroad, remains a high priority for this Administration. In their words and actions, the president and the Secretary of State have demonstrated to our friends and foes alike that advancing religious freedom is a matter of the highest concern in our foreign policy. Throughout the world, the United States upholds human rights, including the principle that freedom of religion, conscience and belief is a universally-recognized human right and fundamental freedom. As President Clinton declared on Religious Freedom Day, January 16, 1998, "We must continue to proclaim the fundamental right of all peoples to believe and worship according to their own conscience, to affirm their beliefs openly and freely, and to practice their faith without fear of intimidation."

Freedom of religion is a bedrock issue for the American people and its government. Indeed, the United States in large part was founded by people who fled religious persecution and intolerance. Their desire for religious freedom prompted the establishment of many of the colonies, where they wrote the principle into their laws and charters. As the poet James Russell Lowell wrote, religious freedom was the seed that produced democracy.

Our country's founders recognized the importance of religious freedom. Thomas Jefferson called it "the creed of our political faith [and] the text of our civil instruction." He recognized the inherent link between religious freedom and freedom of speech, assembly, and association. That is why he and the other Founding Fathers insisted on the prominent placement of freedom of religion in the Bill of Rights, as the First Amendment to the Constitution.

Mr. Chairman, it would be a mistake to regard religious freedom as a uniquely American value. It is a concept basic to every one of the world's major belief systems. It also is an internationally-recognized human right. The Universal Declaration of Human Rights and the International Covenant on Civil and political Rights recognize that all citizens have the right to freedom of thought, conscience and religion. This right is inherent in the dignity of every human being. No government can legitimately deny it, no matter what the justification, for it is universal, inalienable, and endowed by virtue of birth.

Unfortunately, however, there are some in the world today who refuse to recognize this fundamental right and who discriminate against, restrict, or even persecute those of other faiths. Whether Christian, Muslim, Buddhist, Jew, Hindu, Baha'i, or of another creed, believers around the world continue to suffer for their faith. Take, for example Ayub Masih, a Christian from the village of Arifwala, Pakistan. On April 27, Masih was sentenced to death for blasphemy. His crime? A Muslim neighbor had accused him of making derogatory statements against Islam. In spite of his denials, Masih is now sentenced to die. Last Friday, both Karl Inderfurth, the Assistant Secretary for South Asian Affairs, and I met with Pakistan's Ambassador to deplore and condemn the imposition of a sentence of death on any individual for the peaceful expression of his beliefs and to call upon that Government to repeal their blasphemy law. We also expressed our sorrow at the tragic death of Bishop John Joseph, who dedicated his life to defending the rights of all religious minorities to worship freely, and expressed deep concern over reports that Pakistani troops had fired tear gas at mourners during the bishop's funeral procession.

Mr. Chairman, suppression of the right to religious freedom not only is an intolerable invasion of an individual's human rights, it also can lead to grave consequences for political and economic stability. If people lack the freedom to practice their faith, it is likely that other human rights will be restricted and that intolerance and violence will be more prevalent. Lack of these rights also impedes efforts to establish societies that promote liberty and justice. Pakistan is not the only country where the United States has concerns.

In Sudan, a bloody civil war fueled by a extremist regime's intolerance of animists, Christians, and some Muslims has continued unabated. Iran's religious minorities continue to experience discrimination and persecution, particularly evan-

gelical Christians and Baha'is. Burma's persecution of the Rohingya Muslim minority resulted in refugees fleeing to Bangladesh. In the aftermath of the Pope's visit to Cuba, the government has relaxed the harshest aspects of its mistreatment of the Catholic Church, but it still maintains extensive restrictions on religious activities. The Church has little or no access to the media, and cannot publish religious materials, sponsor social events, or establish schools.

In China unofficial religious groups, including Protestant and Catholic groups, have experienced varying degrees of repression. In some areas, house and unofficial churches worship without official interference. In other areas, religious believers have been subjected to tight restrictions and harassment. Citizens worshipping in officially sanctioned churches, mosques, and temples report little or no day-to-day interference by the government. In Xinjiang and Tibet, tight controls on religion have continued and, in some cases, intensified.

Evidence of fear and suspicion of minority religions has grown in Europe, in both former Communist countries and those with long traditions of democracy and tolerance. Motivated in part by fear of deadly movements such as Solar Temple and Aum Shinri-kyo, some European countries have sought to restrict freedoms for a disparate group of minority faiths, lumping them all together as "cults," and compiling lists for closer observation.

This trend also has been particularly strong in countries where the Orthodox Church has lobbied the government to restrict minority religions. In Russia, for example, a new restrictive and potentially discriminatory religion law could affect minority religions, including some offshoot Orthodox groups. Some Religious communities may be forced to wait up to fifteen years before attaining full legal status, which is a requirement for owning property, publishing literature, inviting foreign guests, operating schools, and conducting charitable activities. The law also erects barriers against foreign missionaries. Already, however, some local officials have used the new law on numerous occasions to pressure unpopular religions in their districts. The President has raised our concerns about this new law with President Yeltsin, and will submit a report to Congress on the issue later this month.

Mr. Chairman, this Administration is committed to confronting violations of religious freedom, including religious intolerance and discrimination, no matter where they may occur around the world. I would like to outline some of the steps we have taken to implement this commitment.

President Clinton and Secretary Albright have made it clear to all United States agencies and embassies to treat this issue as a priority and have insisted that it be integrated into the core of our foreign policy. President Clinton, Vice President Gore, and Secretary Albright have met with eminent religious leaders such as the Dalai Lama and Pope John Paul II. U.S. Government officials at every level have raised specific cases of violations religious freedom in countless meetings with foreign leaders and their representatives.

During our recent trip to China, Secretary Albright raised the issue of religious freedom. I met with Ye Xiaowen, director of the Chinese Religious Affairs Bureau, to raise a number of concerns. Just this last Saturday, we received word that two of the individuals whose cases we raised, Bishop Zeng Jingmu and Father Lu Gengyou, have been released from jail. This is an important step, but we are concerned that Bishop Zeng has been placed under house arrest and that these cases are only two among many. We expect the government of China to respect the rights of its citizens to express their faith freely and to release all those held for the peaceful expression of their religious or political beliefs.

Permit me to relate another example. Most of you know I have traveled to Turkey on a number of occasions in my capacity as Assistant Secretary. On several of those trips, I visited southeastern Turkey and met with metropolitan Samuel Aktas of the Syriac Orthodox Church. Before my February trip, I learned that the Governor of Mardin recently had suspended permission for the Church to provide religion and language classes. This Decision came on the heels of a dispute over the renovation of the Church's fourth-century Dayrul Umar Monastery, leading to a police order to halt work.

I met first with the Governor and then the Metropolitan, and brought the two of them together. In my meeting with the Governor, I secured from him a promise to extend written authorization for religion and language classes to resume at Church facilities. The Governor also committed himself to forging a solution to the problem of church renovations. I am happy to report that the governor has kept his word, authorizing religion and language classes to resume. In addition, Turkish authorities have agreed to permit Church officials to use their own architect to prepare the required renovation plan. We are hopeful the actual renovation work will begin shortly.

Although the challenges faced by religious groups in other countries are more complex and not so readily addressed, I believe this case is a useful example of how this Administration has used diplomacy to accomplish the objectives we share with regard to religious freedom.

Our diplomatic efforts have not been limited to personal diplomacy, however. In a series of unprecedented worldwide cables, Secretary Albright has instructed all U.S. diplomatic posts to give greater attention to religious freedom both in their reporting and in their advocacy. The Secretary of State has signaled to State Department employees and foreign governments alike that the promotion and protection of religious freedom is a key component of our human rights policy. As a result, our embassies and diplomats all over the world have intervened more aggressively on behalf of religious freedom.

In Saudi Arabia, for example, freedom of religion does not exist, as the government prohibits the public practice of religions other than Islam. The Secretary of State, Ambassador Wyche Fowler, and other United States Officials have encouraged the Saudi Government at the highest levels to make further progress on religious freedom. We note as a positive development that defense Minister Sultan stated publicly last fall that the Saudi Government does not prohibit non-Muslim worship in the home.

In Vietnam, Ambassador Pete Peterson, has been forceful in raising religious freedom issues. Although religious observance is increasing in Vietnam, the government continues to restrict severely some religious practices, and to control organized religious activity. In response, Ambassador Peterson has instructed his staff to establish broad contacts with Catholic, Protestant and Buddhist groups throughout society. Embassy officers have attended religious ceremonies and visited churches and temples in Hanoi and the countryside. In addition, Ambassador Peterson has intervened on behalf of American citizens penalized for importing religious materials and Vietnamese citizens under arrest for the peaceful expression of their religious beliefs.

There are other examples as well. In Austria, the Embassy engaged the foreign ministry on behalf of non-recognized religious groups that had problems obtaining resident permits for foreign religious workers. In response, the Austrian government adopted administrative procedures that helped alleviate the problem. In Greece, Embassy staff traveled to Crete to look into problems of a charismatic Christian group that the government had not allowed to proselytize. The officer's visit resulted in the government entering into a dialogue with the group. In Laos, Ambassador Wendy Chamberlin intervened with high-level officials when a group of Americans and Lao were arrested for holding a Bible-study meeting in January. She emphasized the importance to the US of upholding international standards on human rights, including protections regarding religious freedom. All of the Americans and most of the Lao were released. However, since several of the Lao will face prison terms, the Embassy continues to push for their release.

The State Department also reports publicly on limitations to the internationally-recognized right to religious freedom in our annual Country Reports on Human Rights Practices, which provides information on 194 countries and territories. The Country Reports contain specific sections on religious freedom, which have been expanded significantly by this administration to include greater detail on religious intolerance and discrimination. We do not hesitate to use the Reports to shine the light on violations of the right to religious freedom, no matter where they occur. Our Reports state the facts clearly and unequivocally, outlining U.S. concerns. Last year, we also issued a report on "U.S. Policies in Support of Religious Freedom: Focus on Christians," which details recent U.S. Government actions taken on behalf of persecuted Christians and followers of other faiths around the world. I am submitting a copy of that report for the record.

The United States also employs targeted restrictions on countries, including economic sanctions, trade limitations, and visa restrictions. After Deputy Assistant Secretary Gare Smith traveled to Sudan last summer to gather information on religious persecution, slavery, and prospects for a peaceful end to the civil war, the President imposed sweeping new economic sanctions against the Government of Sudan. The sanctions deprive the Khartoum regime of the financial and material benefits of U.S. trade and investment, including investment in Sudan's petroleum sector.

The Secretary also has taken action to institutionalize our commitment to religious freedom. One demonstration of this approach is the Secretary's participation in the Advisory Committee on Religious Freedom Abroad and her move to implement its recommendations. The Advisory Committee, which was established in December 1996, is a distinguished panel consisting of twenty religious leaders who represent millions of Americans of all major faiths and denominations, and scholars who have dedicated their professional lives to the study of religious liberty and

other human rights. The Committee, which I chair and for which my staff provides support, is responsible for advising the secretary of State and the President on the ways and means of more comprehensively integrating the protection and promotion of religious freedom abroad into our foreign policy.

In its first fourteen months, the Advisory Committee has heard the testimony of experts, government officials and victims of religious intolerance and discrimination. Committee members have discussed concerns, presented diverse viewpoints, and learned much from one another. They paid considerable attention to such issues as the adequacy of existing refugee and asylum procedures; the training of State Department and other U.S. personnel; the use of U.S. resources devoted to social and cultural exchange, rule of law, and the promotion of tolerance, civil society and respect for human rights; and initiatives to support peace and reconciliation in areas of conflict.

On January 23, the Committee submitted its Interim Report and recommendations to Secretary Albright and President Clinton, a copy of which I am submitting for the record. This report is of great significance. It Supports the expansion of our work as a government in promoting and defending religious freedom. It recognizes the important and considerable efforts we have undertaken and provides specific recommendations for additional government action. It represents the consensus of a wide array of religious groups from American society on how best to promote religious freedom. As we go forward in formulating strategies to address the many foreign policy and human rights challenges involving religious freedom, the Committee's report and its forthcoming work should play an important role in helping us understand the religious dimension of these problems and in engaging religious communities and leaders to address them.

The Advisory Committee's report made a wide variety of practical recommendations on U.S. policy. Committee members focused on reviewing current U.S. Government efforts and finding ways to make them more effective. They also sought to identify new approaches through which the United States can advance religious freedom.

The Secretary has accepted the Advisory Committee's recommendation to establish a senior-level position in the Department of State to coordinate, integrate and implement policies that institutionalize the promotion of religious freedom into the U.S. Government's foreign policy apparatus. This Official, who will report to me, will be responsible for developing an integrated, interagency strategy. This will be a senior position at the level of a Deputy Assistant Secretary. We anticipate being able to announce the Secretary's choice for this position in the very near future, and will consult with you and other Members of Congress on this positive decision.

In the meantime, the Advisory Committee is continuing its work, with the assistance of my staff, with the purpose of offering more detailed recommendations at the end of the year. Their focus this year is on integration of religious freedom concerns into U.S. assistance and training programs; the use of specific foreign policy tools to promote religious freedom; refugee and asylum procedures; and dialogue with religious NGOs, businesses and other communities.

We also have used multilateral fora to speak forcefully and shape international policy in support of religious freedom and in opposition to violations. At Conferences of the Organization on Security and Cooperation in Europe, we have stepped up our advocacy for religious freedom, delivering public statements that challenge governments in the Newly Independent States of the former Soviet Union to uphold international standards and confronting them on cases of concern. At the United Nations Commission on Human Rights, the United States led the successful effort to create a Special Rapporteur on religious Intolerance. We also raised awareness of religious freedom and spotlighted religious intolerance and discrimination in a number of countries.

Through our programs, the U.S. Government is sponsoring and funding programs to promote religious liberty and tolerance. For example, the United States Information Agency has established a special International Visitors Program to bring clerics, journalists, politicians and academics to the United States for discussions on "Religion in America." Participants meet with American Christian, Muslim, Jewish and ecumenical groups to discuss the idea of religious tolerance and its importance in American life.

We also broadcast our message of religious freedom throughout the world. Editorials and news features on Radio Free Asia, Radio Free Europe, Radio Liberty, Radio Marti and the Voice of America regularly identify and report on religious freedom issues and discuss efforts by the United States to address its concerns, both bilaterally and multilaterally.

The Administration also strongly supports religious reconciliation in countries torn by religious and ethnic conflict. Consistent United States leadership has been

critical to the peace processes in the former Yugoslavia, Northern Ireland, and the Middle East. Our work to promote human rights, justice and the rule of law also facilitates religious reconciliation. For example, the United States provides assistance to the Annex Six Human Rights Commission, the human rights arm of the Dayton peace process. Our aid permits an internationally-appointed Human Rights Ombudsperson to investigate cases of human rights violations, and a Human Rights Chamber composed of eight international and six Bosnian judges to adjudicate the cases and offer legally-binding judgments. These efforts help to promote religious as well as ethnic reconciliation.

Another example from Bosnia is U.S. support for the International Commission On Missing Persons. A major U.S. initiative to support the peace and reconciliation process in the former Yugoslavia, the ICMP currently is chaired by Senator Bob Dole. It applies pressure to the regional parties in the former Yugoslavia to expedite resolution of missing persons cases; provides assistance to families of the missing; and supports the exhumation process and identification of remains where possible. Its reconciliation work helps, literally on a case-by-case basis, to promote religious and ethnic reconciliation in the region.

We also recognize and support the important role of the private sector in promoting religious freedom. Through the Model Business Principles, the administration emphasizes that freedom of expression and association (including religious expression and association), non-discrimination based on religious belief, and recognition of ethical conduct in business complement and support sustainable economic development. Last year, we gave the first annual best Global Practices Award to John Kamm, president of Asia Pacific Resources, for his efforts to obtain the release of individuals detained and imprisoned by Chinese authorities for the non-violent expression of their political and religious beliefs. We plan to continue to make this award to companies that make significant contributions in human rights, including religious freedom.

And of course, we recognize and applaud the critical efforts of the many non-governmental religious and human rights groups that spotlight abuses wherever and whenever they occur. They are invaluable partners in our effort to focus world attention on the issue of religious freedom. We work regularly with them to raise religious freedom at international fora. In addition, we facilitate direct dialogue between foreign governments and U.S.-based religious and human rights groups.

One such effort was the product of last October's Summit between President Clinton and President Jiang Zemin of China. Summit discussions of religious issues prompted President Jiang to invite a delegation of distinguished American religious leaders to visit China, including Tibet, to observe religious practice there. A private delegation, led by the Reverend Dr. Don Argue, President of the National Association of Evangelicals, Archbishop Theodore McCarrick of the Roman Catholic Archdiocese of Newark, and Rabbi Arthur Schneier, President of the Appeal of Conscience Foundation, visited China Between February 9th and March 1st.

These three leaders have a distinguished record of advocacy on behalf of religious freedom throughout the world. Reverend Argue and Archbishop McCarrick are members of the Secretary's Advisory Committee on Religious Freedom Abroad, where they serve as coordinators for subcommittees on religious persecution and conflict resolution. Both have extensive experience monitoring violations of religious freedom worldwide. Rabbi Schneier has worked on inter-faith initiatives to advance human rights globally and has experience in China. The delegation's mission underscored previous messages conveyed by President Clinton on the importance of human rights, especially religious freedom, and stressed the need for improvement in the climate of religious freedom in China.

The delegation's trip was significant for two reasons. First, it underscored the importance the U.S. government and the American people attach to religious freedom. Second, it opened the door for increasing dialogue among Chinese and American religious communities.

The delegation met with President Jiang, national and local government officials, and members of registered and unregistered churches. They spoke with Protestants, including evangelicals, Catholics, Muslims, Jews, Buddhists and Taoists. They traveled to Beijing, Nanjing, Shanghai, Lhasa, and Hong Kong. They pressed hard for the release of religious prisoners, for decreased official supervision of religious sites and practices, and for an the preservation of Tibet's unique cultural and religious heritage. Their subsequent report provides a candid assessment of religious life in China and details their efforts to initiate dialogue with the Chinese.

We also work to strengthen our commitment to religious liberty through our role in the asylum process. We support INS Asylum Officers and Immigration Judges by providing them with expert advice on human rights conditions and recent political developments overseas. For the past year we emphasized improving the quality

of this information, particularly by strengthening our "Profiles of Asylum Claims and Country Conditions Reports" and by paying increased attention to issues of religious persecution. In the coming year, we plan, for the first time, to create a full-time permanent staff that will have responsibility for both commenting on asylum applications and preparing the annual Country Reports on Human Rights Practices. We believe having the same professional staff work year-round on these issues will strengthen both our advice to asylum adjudicators and our annual Country Reports.

In sum, this Administration views religious freedom as a foreign policy priority. As Secretary Albright has noted, "Our commitment to religious freedom is more than the expression of American ideals. It is a fundamental source of our strength in the world. We simply could not lead without it. We would be naive to think that we could advance our interests without it." The Administration has responded to Americans of every faith and belief and to Congress. We are taking concrete action to oppose religious discrimination, end religious intolerance, and promote religious freedom around the world.

With that important background, let me now turn to S.1868, the "International Religious Freedom Act of 1998." The Administration strongly supports the bill's objectives of combating religious persecution and promoting religious freedom. We appreciate the efforts of Senator Nickles and his co-sponsors to try to craft a bill that reflects our shared focus on these issues. We recognize that this Congress, like this Administration, has focused greater attention on this issue than any predecessor. With this in mind, we remain committed to engaging with you in a dialogue on this matter. We seek to work with you to advance religious freedom through a variety of means. Such efforts will send a strong message abroad that the Administration and the Congress stand united in support of religious freedom around the world.

As I have mentioned, this Administration is actively engaged in the struggle for religious freedom. Regarding further initiatives, we believe that legislation best serves our mutual goal of promoting and upholding religious freedom when it consolidates and strengthens existing mechanisms rather than creating new ones in their stead. With that in mind, let me summarize our major concerns. I invite your staff to work with us in the days ahead to discuss these in greater detail so we might best promote our shared goals. We have specific concerns about the bill's sanctions and reporting mechanisms; its definition of religious persecution; its waiver provisions; its mandating of new reports without providing for additional resources; and its creation of new institutions.

Our first major concern is the bill's requirement that the President impose one (or more) of sixteen executive actions and economic sanctions on any country identified as engaging in or tolerating religious persecution. We are concerned that the bill's sanctions-oriented approach fails to recognize the value of incentives and dialogue in promoting religious freedom and encouraging further improvements in some countries. As I discussed above, many of our more notable work on behalf of religious freedom has come thanks to the pro-active approach of our diplomats in Laos, Turkey, Austria, and elsewhere.

We also believe that the sanctions provisions will be counterproductive. In particular, while the imposition of sanctions is likely to have little direct impact on most governments engaged in abuses, it runs the risk of strengthening the hand of those governments and extremists who seek to incite religious intolerance. We fear that the sanctions could result in greater pressures—and even reprisals—against minority religious communities. This is a message we are receiving from both missionary groups and overseas religious figures, who point out that minority religious communities risk being accused of complicity in this American effort.

We also believe that sanctions could have an adverse impact on our diplomacy in places like the Middle East and South Asia, undercutting Administration efforts to promote the very regional peace and reconciliation that can foster religious tolerance and respect for other human rights.

We do understand that the legislation contains waiver provisions. However, those provisions would not eliminate the annual, automatic condemnations required by the legislation, which are our principal source of concern. To be sure, public condemnation—and even sanctions—may be appropriate in many instances, but not in all cases. As I have suggested, if the United States does not have the flexibility to determine when and how to condemn violators, we could endanger the well-being of those we are all trying to help. This would limit U.S. efforts to work collectively with other nations to promote religious freedom, reconciliation, and peace, not to mention other critical national security objectives.

Our second concern is the bill's definition of religious persecution as any limitation on the right to religious freedom without specifying a threshold of severity to merit this categorization. We agree that all violations of the right to religious freedom are important and deserve to be addressed. They should not, however, all be

categorized as religious persecution, which has a particular meaning in domestic and international law. With so broad a definition, the term would lose its meaning and power, thus making it difficult for the United States to address serious or widespread violations and secure positive change.

In fact, a majority of the countries in the world—many with overall good practices on religious freedom—could, under such a definition, be categorized as engaging in religious persecution. As a result, countries with generally good records on human rights, including religious freedom, could be cited as religious persecutors. For example, Austria, which grants certain education benefits and subsidies to groups that qualify for registration and recognition but does not in fact require registration or restrict groups' freedom to worship, nonetheless could find itself cited under the bill's current terms. The bill thus could designate entire regions as persecutors without making even the most basic distinctions among individual countries.

In addition, the bill defines the term "persecution" in a manner that is inconsistent with international and U.S. law and that could undermine our asylum and refugee policies. By defining persecution as it does, the bill runs counter to long-standing U.S. and international policy, which has sought to protect those facing persecution from legal definitions that could be construed narrowly to deny them protection. Furthermore, we believe that any bill should focus on government action or inaction with respect to any limitation on the internationally recognized right to freedom of religion and not on the concept of religious persecution, which can include actions that do not involve governments. We believe that the goals of the sponsors could be achieved by focusing on limitations to religious freedom rather than using the term "persecution."

Our third concern is the nature of the bill's waiver mechanism. Under the bill, the President could waive sanctions for reasons unrelated to religious freedom if he determines that such a waiver would be in the national security interests of the United States. We believe that national security is too high a standard and could unduly limit the President's ability to protect a wide range of important and potentially vital national interests unrelated to our security concerns. A change in the waiver standard from national security to national interest would ensure that all the interests of the American people are protected.

Our fourth concern is that the bill would create significant new reporting, training and other requirements without providing for additional resources. As our work to promote religious freedom indicates, we understand and appreciate the desire of Members of Congress for expanded monitoring and reporting on religious freedom issues. We are prepared to work with you in exploring ways to broaden our efforts. But we fear the current provisions are not workable. The bill would require the following reports each year:

- On September 1st, preparation of the annual Country Reports on Human Rights Practices begins. The bill would require that the existing sections on religious freedom be expanded—an initiative this Administration has already undertaken and is committed to continuing. The Reports are released by January 31st.
- Preparation of the Annual Report on Religious Persecution would then begin. It is due May 1st.
- The Presidential determination of gross violators and intended action is due June 1st, thirty days after submission of the Annual Report.
- The report from the Commission created by the bill is due August 1st.
- The report to Congress on the President's Determination of Gross Violators and Intended Action is due September 1st. It then would be necessary to begin work on the next year's Country Reports.

These reports are time- and staff-intensive. If I may speak on a personal note, I have great respect for the work done by the people in my Bureau, who to a person are exceptionally dedicated to the cause of human rights. Many already work very long days and on weekends, and give up much of their holiday season to prepare the annual Country Reports on Human Rights Practices. The Preparation of the Country Reports involves embassy personnel, officers in our regional bureaus, and approximately half of the staff in my bureau, who work on the reports throughout the year but particularly intensively for about three months. Yet I estimate that the additional reporting requirements in this bill could more than triple their workload and decrease their availability to respond to other urgent human rights concerns.

The new reporting requirements also could obligate the Secretary to identify other human rights programs to cut back or eliminate in order to implement these unfunded mandates. The ultimate effect could be the reduction of staff available to work on other important human rights initiatives, including those that promote religious freedom.

Our fifth concern is the bill's creation of new institutions. The bill would establish an Ambassador-at-Large and an Office on Religious Persecution at the Department of State, with the advice and consent of the Senate. The Ambassador would chair a new Commission on International Religious Persecution. Our concerns regarding these new institutions are threefold. First, as I noted earlier, we believe that any legislation instead should consolidate and strengthen existing mechanisms rather than create new ones. The Ambassador-at-Large position largely duplicates that of the soon-to-be-designated senior coordinator, and the Commission in large part replicates the work of the Secretary's Advisory Committee. Second, we believe that the bill limits the Secretary's discretion to ensure that human rights and religious freedom receive priority attention in the Department of state. Third, the bill's structure and wording may in some cases actually limit the goals of its sponsors. For example, the title of "Ambassador at Large" recently was redefined within the Department of State as a temporary position and is rarely used.

In conclusion, Mr. Chairman, we look forward to working with this Committee to strengthen our mutual commitment to promote religious freedom. The President and the Secretary of State have by word and by deed demonstrated that the promotion and protection of religious freedom is a foreign policy priority. This Committee, under your leadership, also has played a leading role. In our efforts, we are joined by many courageous men and women around the world for whom this is not merely a matter of principle, but a matter of faith. We must not let them down.

Acting alone, neither the Administration nor Congress can hope to accomplish this important task. I commend the authors and sponsors of the bill for their efforts and for their contributions to the debate about religious freedom and US policies to address this important human rights concern. We must work together to develop the most effective policies and programs possible. We welcome these initiatives and look forward to developing means to meet our shared goals. Only then will we be able to stop those who would oppress religious freedom and help those who would promote it.

Thank you very much.

PREPARED STATEMENT OF SENATOR THOMAS

Mr. Chairman, the freedom of religion—to believe or worship as one chooses, to change those beliefs, or even to have no beliefs at all—is one of the most basic and fundamental of human rights. That right is enshrined in the U.N. Charter, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights; it transcends ethnicity, race, culture, and political background.

But as we know, the persecution of people based solely on their religion is an unfortunate reality of today's world. It occurs in several countries within the jurisdiction of my subcommittee: Laos, Vietnam, the People's Republic of China, and North Korea to name a few. The common denominator, in almost all cases, is an authoritarian regime—in these cases communist regimes—which in order to control its citizens also feels a need to control their minds.

Of course, because we ourselves are Christians the instances of religious intolerance that hit closest to home for us involve the persecution of Christians abroad. We can empathize with their plight, not simply because they are our coreligionists, but because of our history; our own country was founded by men and women who fled England because they were persecuted for their Christian religious beliefs. But Mr. Chairman, our revulsion at this type of human rights abuse is not—and should not—be any different than when the subject of the persecution is not a Christian but a Buddhist, or Muslim, or Daoist. A central tenant of our philosophy as Americans is that each individual should be free to follow his or her religion, Christian or otherwise, without interference or fear.

In recent years, our government has intensified its support of religious freedom abroad. For example, Secretary of State Albright has stated that advancing religious liberty is a foreign policy priority; she has instructed our embassies to give greater attention to religious liberty, report more actively on the issue, and provide suggestions on how the government might most effectively address questions of religious intolerance. The State Department's annual human rights reports give more attention to religious persecution and procedures for reviewing asylum requests have been modified to make reviewers more sensitive to religious persecution. And on January 23, 1998, the Secretary of State announced that she would appoint a new, senior-level coordinator within the Bureau of Democracy, Human Rights and Labor to ensure that U.S. actions to advance religious freedom are fully integrated into U.S. foreign policy.

Congress, too, has done its part to address the problem. Congress has pursued its concerns about a number of religious intolerance issues in hearings especially in this Committee that have highlighted restrictions on religious liberty in many parts of the world, and has passed legislation relating to specific countries. This bill is another laudable step in that effort, and one aimed at addressing religious persecution on an international level.

While I strongly support the goals of S. 1868, and many of its provisions, I am concerned by the sanctions portion of the bill. My colleagues know that I generally do not believe that unilateral trade sanctions, imposed for whatever reason, are effective tools of U.S. foreign policy. They rarely, if ever, work because they are—by definition—unilateral. In the case of economic sanctions, for instance, there are few if any goods in today's global economy which are produced solely in the United States. Once a unilateral sanction is in place, there is nothing to prevent the target country from simply acquiring the goods somewhere else—China and its purchases of Airbus Industrie airplanes over Boeings comes most readily to mind. And our “allies” are often more than happy to circumvent us and fill the gap we've left, as we've seen in the case of Iran. All we end up doing, then, is the economic equivalent of cutting off our nose to spite our face.

I realize that often that leaves us in the unenviable position of doing nothing and watching the human rights abuses continue unabated, or imposing sanctions and shooting ourselves in the foot. And I believe that S. 1868 is a very good attempt at reconciling those two seemingly mutually exclusive positions. So I look forward to the testimony today, and to working with the bill's authors after today to help craft a bill that addresses the problems without causing others.

PREPARED STATEMENT OF SENATOR ASHCROFT

Mr. Chairman, I want to thank you for holding this hearing on S. 1868, the International Religious Freedom Act of 1998. This bill represents an important effort to raise awareness of religious persecution overseas. In our own history as a nation and in the histories of countries around the world, religious freedom has been at the center of movements for broader civil liberty. Thus, efforts to restrict religious freedom strike at the heart of liberty itself.

If the Administration had been more aggressive in confronting religious persecution abroad, such legislation might not be necessary. In fact, at a White House meeting to discuss one of the major bills on religious persecution, President Clinton told religious leaders that legislation which actually required him to confront persecution abroad would put “enormous pressure on whoever is in the executive branch to fudge an evaluation of the facts of what is going on.”

That is a startling statement by the President of the United States, which not only calls us to question this Administration's commitment to fight religious persecution, but the reliability of other presidential certifications on issues such as Chinese missile and nuclear proliferation. Such statements by Administration officials make it clear why legislation to address religious persecution is needed.

Sudan

Religious persecution is a tragic fact of life in many countries, from Latin America to Asia to Africa. Religious persecution in Sudan and China has been of particular concern to me. As Chairman of the Africa Subcommittee, I held a hearing on religious persecution in Sudan in September of last year.

Religious persecution has become enmeshed in a brutal Sudanese civil war that has taken more than 1.5 million civilians since 1983, with over 4 million more being displaced by the fighting. An estimated 430,000 refugees have fled Sudan to seek safety in neighboring countries.

Human rights organizations working in Sudan have testified before Congress that the government uses “aerial bombardment and burning of villages, arbitrary arrests, torture, chattel slavery especially child slavery—hostage taking, summary executions, inciting deadly tribal conflict, the abduction and brainwashing of children, the arrest of Christian pastors and lay church workers, and the imprisonment of moderate Muslim religious leaders” to suppress dissent and form a radical Islamic state. Such barbarous atrocities, along with Sudan's support for international terrorism, has led me to introduce legislation to cut off financial transactions with the Sudanese government.

China

The viciousness of religious persecution in Sudan should not callous us to the very real and brutal oppression taking place in other countries. As Nina Shea notes in *The Lion's Den*, China has more Christians in prison because of religious activities than any other nation. The State Department's first comprehensive review of persecution against Christians, issued in July 1997 and entitled "U.S. Policy in Support of Religious Freedom," says, "The Government of China has sought to restrict all actual religious practice to government-subsidized religious organizations and registered places of worship."

China's efforts to restrict religious freedom are driven by oppressive policies which seek to make all religion subservient to the state's secular objectives. In the book *China: State Control of Religion*, Human Rights Watch states that "the Chinese government believes that religion breeds disloyalty, separatism, and subversion." The book goes on to note: "Chinese authorities are keenly aware of the role that the church played in Eastern Europe during the disintegration of the Soviet empire."

Rather than embrace and encourage the free expression of faith, the Chinese government is engaged in a massive, ongoing, and brutal effort to repress non-sanctioned religious activity. Ministers or lay people who seek to practice their faith free from bureaucratic interference and oppression are subjected to imprisonment, torture, and worse. The Far Eastern Economic Review noted that 15,000 religious sites were destroyed by government police in the first five months of 1996 alone. Paul Marshall and Nina Shea note that "China's underground Christians are the target of what they themselves describe as the most brutal repression since the early 1980s when China was just emerging from the terror of the Cultural Revolution."

And yet, in spite of such repression by the Chinese Communist government, this Administration declined even to sponsor a resolution at the U.N. Commission on Human Rights condemning China's human rights record. Apparently, some type of back door deal was made with the Chinese government in which a few prisoners would be released and we would turn our head and close our ears to the thousands that remain in Chinese prisons and labor camps.

Mr. Chairman, I submit that it is time for the Senate of the United States to take a stand on this issue of religious persecution. It is also time for the Executive Branch to take a stand on this issue. Rather than look at how we might "fudge" legislative requirements to avoid confronting oppression abroad, let us have the courage of our convictions.

The President will be going to China next month, and his first stop will be at Tiananmen Square, the site of so much bloodshed just nine years ago. If the President will not use that forum to pay homage to the students who died there, then he should skip that part of the trip. Better yet, he should skip the summit altogether.

The liberties for which those students fought and died are the liberties which this and other bills on religious persecution seek to advance. The Chinese people one day will realize their freedom and seize their liberty. When they do, Mr. Chairman, it is my hope that the democratic government of China will view the United States as a friend who stood for freedom during this last twilight struggle with communist oppression.

PREPARED STATEMENT OF SENATOR FEINGOLD

Thank you Mr. Chairman for holding this hearing on S. 1868, the International Religious Freedom Act, introduced in the Senate by my distinguished colleague from Oklahoma, Senator Nickles.

Mr. Chairman, I am still reviewing this important piece of legislation, as I am sure are the rest of the members of this Committee. So I appreciate the opportunity today to delve into some of the policy issues raised by this bill with our distinguished witnesses.

As you well know, the issue of religious freedom is clearly an important one for this Committee, and indeed, for our country. Freedom of religion is one of the bedrock principles of American democracy. Our founders, who came to America in part to flee religious intolerance, championed freedom of religion as a universal right, and made it an integral part of the Constitution through the Bill of Rights.

Throughout our history, immigrants from every corner of the globe have arrived on our shores seeking a community where they could practice their religion openly and without fear of persecution. Today, we value the separation of church and state as one of our guiding principles.

But, we are all well aware that such liberties are not fully enjoyed everywhere, and there are millions of people who daily face persecution or intolerance because of their religious beliefs. Worse yet, the exploitation of religious and ethnic differences for political ends has become all too common in the post-Cold War era.

These trends have been around for centuries but have been getting serious press attention in the last several years. They mirror the myriad other abuses that are conducted or at least tolerated by non-democratic regimes around the world. Examples of restrictions on basic freedoms—of expression, of association, of the press—abound, and those who dare violate such restrictions face imprisonment, repression or even death. As we meet here this afternoon, it is likely that somewhere, a political prisoner is being beaten by the police or armed forces, or some paramilitary group whose members might include police officers or soldiers. It is likely that a union organizer is being detained or harassed by authorities, that a woman is being raped by government thugs, that a newspaper is being shut down, or that a prisoner has “disappeared.”

The question for us today is what is the appropriate U.S. policy response to religiously motivated acts of oppression by other nations?

I firmly believe that the defense of human rights around the world relates directly to our “national interests” and, as such, demands leadership from the United States, a nation founded on respect for individual rights and liberties.

We are bound by the documents that created this country to promote and defend certain principles: that we are all created equal, that we are born with certain inalienable rights, that government is legitimate only with the consent of the people, and that government should exist to promote the general welfare and to secure the blessings of liberty for all. Our other national interests—security and economic opportunity—have the best chance for advancement in a climate of freedom and respect for individual rights, and are undermined by the absence of that climate.

I have tried never to shy away from supporting the use of every economic, diplomatic or rhetorical tool to advance our human rights agenda. It is through the vigorous use of these tools that the United States can exercise the type of leadership such fundamental violations of justice demand. To a certain extent, this is the approach implicit in the bill we are considering today, which would impose selected sanctions on countries that “engage in or tolerate religious persecution.”

But, with all due respect to my colleague from Oklahoma, I am somewhat concerned about the basic premise of the bill, which would appear to subordinate other fundamental rights to the right to religious freedom. As we defend the freedom of religion, should we not just as vigorously defend the rule of law, basic human rights and the exercise of political rights? How would we react if, tomorrow, Sudan's ruling National Islamic Front suddenly lifted its Shar'ia law and allowed Christians to worship freely? Would we then tolerate the forced conscription of children, the lack of press freedom and the manipulation of humanitarian assistance that also takes place in the Sudan?

I also have some concerns about the possible duplication of existing government resources favored by the bill, as well as the lack of sanctions on arms sales and military transfers.

Nevertheless, I commend Senator Nickles for his efforts and I look forward to learning more about these issues from him and from Assistant Secretary Shattuck.

Hearing of June 17, 1998

Prepared Statements of Committee Members and Witnesses

PREPARED STATEMENT OF THE RIGHT REVEREND MUNAWAR RURNALSHAH

Introduction

Good morning, Mr. Chairman and other distinguished Senators. Thank you for this opportunity to tell my story and share some of the experience of being a Christian in Pakistan.

I would like to open my remarks with a few words of a martyr and a dear friend of mine who gave his life for the cause of freedom to be a Christian in Pakistan.

The Christians of Pakistan are being held in a death-sentence blackmail by the Blasphemy Law, under which their small businesses are being taken over, their property seized and the situation is such that their women are not safe. Therefore, in protest against 295-C and other black laws and in

the name of my oppressed Christian people, secularism and democracy, I am taking my life.

These were the last recorded words of John Joseph, Roman Catholic Bishop in Pakistan, who laid down his life on May 6 1998 to protest the death sentence imposed on a fellow Christian under Pakistan's blasphemy law. The death of Bishop Joseph created shock waves throughout Pakistan and has utterly devastated my already marginalized community. This event has triggered a chain reaction where the majority Muslim community (about 96%) seems to have started a process of tightening the noose on the Christians in the most public fashion—by physical harassment and creating an atmosphere of fear and insecurity. My hope in being here today is to pay tribute to this sacrificial act of Bishop Joseph. To make sure that all this has not been in vain and in doing so to focus the attention of my government and indeed the world on the plight of the Christian community in Pakistan. My concern also includes the issues of religious discrimination and persecution against fellow Christians and people of other faiths across the world who suffer ignominy and torture simply because they want to have the freedom to practice the faith of their choice.

Being a Christian in Pakistan

I am an Anglican bishop in the Church of Pakistan. Anglicans, of course, are known as Episcopalians in this country. The Church of Pakistan is the largest Christian denomination in our Country today, formed in 1970 by the amalgamation of Anglicans, Lutherans, Scottish Presbyterians, and the Methodists. There is also a strong Roman Catholic presence, along with the other Protestant denominations. We Christians make up about 3% of the population of Pakistan.

We are privileged to be part of the country of Pakistan, which we serve with all our passion and dedication, knowing that it is ours. Our ancestry on that soil goes back thousands of years. And yet it is a country which, in proclaiming the faith of the majority community, the faith of Islam, seems to be wittingly or unwittingly excluding us Christians and the other religious minorities from its shared organic life. As you will know already, Pakistan was created in 1947 to be a homeland for the Muslims of South Asia. The Founding fathers dreamt of a Pakistan for the Muslim, but where other religions could also feel part of it. Quaid Azam said, "You are free, you are free to go to your temples, you are free to go to your Mosques or to go to any other place of worship in this state Pakistan. You may belong to any religion or caste ... we are all citizens and equal citizens in this state." Perhaps that dream was too utopian. The creation of a religious state where all have equal status was bound to be wishful thinking, indeed a contradiction in terms. Pakistan was perhaps the first state in modern history created exclusively on the basis of religious identity. The events of the past fifty years have shown that in spite of having good intentions, such states are bound to evolve toward religious exclusivism.

Now allow me to share with you how the rights and freedoms of religious minorities have been eroded in Pakistan's 50-year history because of the majority community's view that this land is for the Muslims, to which many would add "for Muslims only."

Take a simple word like "freely." In the original constitution of Pakistan, Christians and other religious minorities were allowed to "practice their faith freely." This word was removed from the constitution more than ten years ago as it was deemed to be threatening the Islamic fabric of Pakistan. It appeared quite innocuous at the time but we are now reaping its ugly consequences.

- In Pakistan it is becoming increasingly difficult to build our places of worship. We are being told often unofficially at least, that no permission can be given for the building of churches. Simply because it is a land for the Muslims.
- Pakistan is now practicing an apartheid legal system. As a member of a minority, I am barred from standing for election as a Member of Parliament representing the majority community, or even from voting in the main elections for members of Parliament. Instead, I am restricted to voting for one of a handful of Minority Members of Parliament. With no influence on who runs my country. Non-Muslims have become politically voiceless. This is an aberration and an antithesis of anything called democracy. Our global family was in agony when apartheid was being practiced in South Africa and yet seems to be quite ignorant of the situation in Pakistan and perhaps other such places;
- As a religious minority, we live under a constant feeling of socioeconomic strangulation. Jesus taught us to serve the poor of society. In Pakistan, we bear the burden of actually being the poor of society. In my own diocese in northwest Pakistan, 85% of my people are severely deprived. The only jobs available to most of them is the removal of human excrement from the streets. We are being socially ostracized and economically paralyzed simply for the "sin" of being

Christians. As an example, the number of Christians in employment in the federal government of Pakistan is 0.7%, and 87% of those are in the lowest three categories. The reason? This is a land for Muslims, and we are merely Christians.

Over the years, Pakistan has been trying to introduce Shariah (the Islamic Law) and its related ordinances as part of a program of Islamization. The Shariah promises to govern and regulate the lives of people as an obedience to the sovereignty of God. On the face of it, it looks harmless, even desirable. After all, in the Christian Bible, we too acknowledge the sovereignty of God and seek his Kingdom. But with the imposition of Islamic law, citizens can only respond to this sovereignty through an Islamic way. This makes life extremely difficult for those who are not Muslims. It is even suggested that non-Muslims in Pakistan should be given the status of a Dhimmis under the Shariah Law. This means that we will be treated like conquered people and would be offered protection only after the payment of a special tax. How could we become "conquered people" in our own homeland? Currently, Shariah is being practiced selectively in Pakistan, but even then it has begun to affect our lives as Christians in serious ways.

For example, at least once a month I am confronted with cases where a Christian has accepted Islam mainly to get divorced or remarried. The worst aspect of it is that the Christian spouse left behind is not accepted as legally divorced, whereas the one who has become Muslim is accepted by the law of the land as legally divorced or remarried.

Take another example of this, if any adult Muslim converts to Christianity or any other faith, he is automatically denied of his inherited rights. I know of a case of a convert who has been incarcerated in jail for the last 17 years, even without any proper trial or verdict, simply for his so-called Apostasy.

Perhaps the worst aspect of Islamization in recent times has been the use of the dreaded Blasphemy Law. This has been part of the legal statute for a couple of centuries, but has been resurrected over a decade ago as part of the Pakistan penal code. Its section 295-C says:

Whoever by words, either spoken or written or by visible representation, or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammed (PBUH) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

The intent behind this law seems perfectly reasonable because we should respect the great leaders of all religions. Such a law is there simply to counter any disrespect to such people. Unfortunately, great problems arise when these laws get exploited and abused. In Pakistan, for us Christians and other religious minorities, the misuse of this law by members of the majority community has achieved draconian proportions. Its burgeoning and wide spread use since 1986 has caused panic in my community, as well as to other religious minorities. It is indeed like a Damocles sword hanging over our heads. It has often been used by private citizens to settle old scores and to take out vendettas. There have been some frightening incidents related to it. The worst aspect is that 90% of such cases never reach a court of law; the mobs resolve these cases in impromptu "Kangaroo Courts." And even if they do reach court, the courts increasingly tend to lean toward the Muslim accuser, whose single testimony is enough proof of the crime and, of course, the witness of a Christian is not even admissible.

In fact the ultimate despair of the late Bishop John Joseph was that he could not find a competent lawyer to appeal the death sentence of his parishioner, Ayub Masih. All such lawyers feared for their lives. A judge, who acquitted one of the few Christians to escape from such a sentence, was murdered in broad daylight—two years after his judgment. I offer here some of the examples just to show how our small community is being brutalized and victimized in the name of religion:

- Tahir Iqbal, a young Christian bound to a wheelchair through illness, was a convert from Islam. He was brutally murdered by a frenzied mob because he was said to have at least inadvertently insulted The Prophet of Islam due to his conversion.
- A teenage boy was accused of writing insulting remarks against the Prophet on a Mosque wall. He, along with his Uncle, was sentenced to death, but with the intervention of the government at that time, was helped to leave the country. The boy was eventually certified to be an illiterate.
- A fourteen-year-old girl, Carol Shakeel, was accused of blasphemy at school. In order to save her life she became a Muslim with the consent of her family. At the same moment, 225 local Muslim religious leaders signed an oath to kill her.

It is worth noting that until the introduction of section 295-C, hardly any cases under the Blasphemy Law surfaced during the previous 40 years in the life of Paki-

stan. I have here with me a catalogue of these cases which have been properly documented and can withstand the test of credibility. You may wish to examine them at your convenience.

I would like to end this section by narrating a personal experience. I quote, "We dared not cry, we could not shout for help. We had to hold our breath as we huddled together under the bed, as some human vultures were seeking to devour us. They had already desecrated our beautiful church and had set alight our precious books and other meager possessions. They wanted to kill each one of us." This was the chilling narration of a seven-year-old boy who had assumed the role of spokesperson. With a matter-of-fact tone, he described the events of a day in February 1997 when a crowd of around 30,000 Muslims invaded Christian communities around Shantinagir, burning churches and creating havoc because it was rumored that a Christian had torn the pages of the holy Koran. "Why would they want to kill you?" we asked. A small voice came from one of his companions "Because we are Christians."

Suffering Around the World

I think it is incumbent upon me to speak of the suffering of religious minorities in other parts of the world. I am in constant contact with some of the acute situations within the worldwide Anglican Communion, which is composed of nearly 70 million members in 165 countries. Perhaps the situation which concerns us most at this moment is the plight of our fellow Christians in Sudan. I recently shared a platform in New York with one of my fellow bishops from that country. The Christians of Sudan have become targets of persecution, facing daily gross violations of human rights. They suffer torture, enslavement, and incessant fear of genocide. This situation has driven thousands of them to leave their homes and escape to refugee camps.

The Sudanese government is attempting to force Christians to choose between renouncing their faith and renouncing food, education, jobs, and even life. The people living in the Nuba mountains are fleeing war zones in search of security, food, shelter, and medicine. The pride of their youth is trapped in refugee camps in the neighboring countries of Kenya and Uganda, desperate for education and freedom. All this has been happening for the last decade and over, and yet the human family seems to be either oblivious or impotent to bring an end to this tragedy. The fact that, in spite of all this, these people display an unshakable faith, is nothing short of miraculous. A brother bishop, Nathaniel Garang, bolsters the Dinka people with words of conviction and hope by describing their seemingly intolerable situation, "We are very hungry in this time, but we are feeding on God." Please note that here too, it is the struggle for the supremacy of Islam and its Shariah in Sudan which has so completely decimated the lives of these communities.

There is also the example of Myanmar (Burma) where Church properties are frequently confiscated for the building of municipal police stations and military barracks. In one war-torn area alone, a group of 16 churches has been reduced to two. In areas like these, it also happens that orphaned Christian children have been removed by the military and taken to orphanages in Buddhist pagodas where they are raised in the majority religion of Buddhism. Religious and secular publications are rigorously controlled. The import of Bibles translated into the indigenous languages is prohibited and it is difficult for non-Buddhist Faiths—Christians and Muslims—to obtain permission to build houses of worship. The tragedy is that minority faiths in Myanmar bear the threat of extinction.

Legislation Before the U.S. Senate

For a few moments, I would like to share my views on the specific pieces of legislation your Committee is considering. Let me paint a picture in broad terms of what I believe could be helpful from the United States. As you know, I am here because I believe in the cause of religious liberty, in Pakistan and around the world. Believe me, it would have been easier to stay at home. But for me, and for many of my Christian brothers and sisters in Pakistan, silence is not an option. We are called to proclaim the Good News of our faith, and to stand for our faith in the face of persecution. To stay silent about our experience as a religious minority in Pakistan would be prudent. But in the long run, it would do more harm to the cause of what we believe.

I do not believe the United States can remain silent either. Since the Pilgrims first set sail in 1607 in search of a place to practice their religious beliefs, religious freedom has undergirded your country's history and culture. No, the United States should not stand by today in silence in the face of religious persecution worldwide. You need to hear the cry of people around the world who suffer for their faith, who are denied the basic right to believe, which you so naturally take for granted.

The central question is how the United States can respond most effectively to the cry of persecuted faithful. I understand the legislation passed in the House of Representatives would mandate severe economic sanctions against countries that engage in persecution. This approach could have positive effects in certain circumstances—perhaps in Sudan. But I fear that in other circumstances, severe sanctions could trigger reprisals against the religious minority for having caused the sanctions, and also cause suffering and misery to the poor of that country. It is my experience that a heavy-handed approach is less helpful, and in some cases, can even do more harm than good.

But, clearly, there are more choices than just imposing heavy-handed sanctions or doing nothing. There is an entire array of foreign policy options which can positively affect human rights conditions in other countries. The legislation we are here to discuss today, the Nickles-Lieberman bill, gives your government a range of options—from a private diplomatic reprimand, all the way through economic sanctions—with which to respond to religious persecution. This flexibility is crucial to effective action. In circumstances of severe persecution, the bill allows for more severe sanctions, but again maintains the flexibility of calibrating those sanctions for the particular situation. I believe your current law already allows for this response to gross violators of human rights. Also, the bill allows the sanctions to be waived if the cause of religious liberty would be jeopardized.

In Pakistan, I believe the most helpful response from the U.S. is one that says, “We don’t like what we see and hear.” The international community’s recognition of religious persecution in Pakistan has a subtle and yet profoundly positive effect on the plight of the Christian community. Yes, some extreme elements react with anger and defiance. But, overall, sunshine on the situation helps. There is the need to have a constant dialogue between the U.S. and our country on this and other issues of human rights. The diplomatic “hotline” must be in action all the time. Of course I say this from my experience as it relates to Pakistan. I do not know the best approach for all people who suffer for their faith around the world—in China, Sudan, parts of the Middle East. These are all very different situations which need different approaches. This case-by-case approach is the heart of the Nickles-Lieberman bill.

This year, the international community is celebrating the 50th anniversary of the Universal Declaration of Human Rights, which reminds us “to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance. One of the more important aspects of the Nickles-Lieberman bill, I believe, is that the bill uses the Declaration’s broad, internationally accepted definition of religious persecution. This definition recognizes both gross violations of human rights, and the more subtle and prevalent forms of religious persecution experienced worldwide, such as church burnings, job discrimination, stifling religious expression, and the inability to hold services. A severe limitation of the House bill is that it only responds to the most extreme cases of religious persecution, ignoring the vast majority of restrictions on religious liberty that occur around the world.

Finally, the bill includes another important provision, which requires the U.S. government to consult with nongovernmental organizations, including churches, concerning the state of human rights and religious persecution. This provision is crucial if you are to find the most effective ways of fighting persecution, while at the same time, protecting the religious minority in offending countries. It is obvious to me with this bill, and with this hearing you are conducting today, that the Senate is committed to consulting the religious community. Sadly, the House version would not do this.

As I conclude my statement, one factor seems to be overwhelmingly evident, which is that there are situations in our world where your religious identity can be your death-warrant. This happens in Pakistan and other parts of South Asia. It happens in China, Sudan, the Middle East, and in many other parts. Although my personal experiences are those of a minority Christian in a majority Islamic land, it could equally be the experience of Muslims in the Philippines or Bosnia, of Buddhists in Tibet, of Hindus in Sri Lanka, and soon. I am also aware that these conflict situations are not exclusively based on religious identity. Other factors such as race and ethnicity are also major components of these situations. The difference is that we are born with our race and ethnicity and bear its consequences, both good and bad, for the rest of our lives. But religion is a person’s free choice. I believe each and every human soul on this planet earth must be given complete freedom to choose and practice his own faith. Creed should never be mixed with race, culture, or status in life. It is indeed a sacred choice. No one should be allowed to mutilate and desecrate this God-given privilege. You, my American friends, uphold this principle dearly, and I am sure you understand our predicament. I hope the Amer-

ican people will continue to offer themselves as an instrument of peace, hope, and justice for human situations where this fundamental of all human rights is being denied.

Thank you.

PREPARED STATEMENT OF FELICE D. GAER

Few issues have been as central to the work of the American Jewish Committee, which was founded in 1906 in response to pogroms against Jews in Russia and eastern Europe, as speaking out to protect religious minorities from prejudice, discrimination, bigotry, and violent attacks. Through our Jacob Blaustein Institute for Human Rights and other programs, we have worked to establish international norms and standards to protect religious freedom, to devise policies and machinery to bring pressure to bear on governmental authorities worldwide to end religious intolerance and repression, and to see that the US has fair and generous asylum policies when victims of such repression come to our country.

We thank you for your invitation to the American Jewish Committee to address this Committee about legislation addressing religious persecution and religious freedom issues abroad. These are core issues not only for our organization, but for all Americans, as the freedoms we seek to promote abroad are the same that have shaped our own nation: religious tolerance, pluralism, and a belief in fairness, equality, and liberty for all persons, including men and women, Jews, Christians, Moslems, Buddhists, Hindus, Bahais, and others.

We believe that ending religious persecution abroad merits a high profile in US foreign policy. Further, the legislative efforts in the Congress on this matter over the past year have rightly focused popular attention on religious persecution abroad and ways the US should adjust its foreign policy to address such matters most effectively. We are also convinced that prevention of religious persecution at home and abroad requires sustained, sophisticated legal and political tools. The proposed legislation, the International Religious Freedom Act (with a number of adjustments that we will outline later in this testimony) promises to provide that sophistication and sustained attention to this key issue. With attention to a number of our concerns, including the importance of integrating this issue more centrally with the machinery the Congress has created to protect international human rights globally, we believe this will be an important addition to American diplomacy.

I. AN OVERVIEW OF RELIGIOUS REPRESSION

Religious repression and intolerance worldwide has been documented by religious organizations, detailed in international human rights reports, cited in the Department of State's annual country reports on human rights, and chronicled year by year at the United Nations, where a Special Rapporteur on Religious Intolerance outlines cases that come to his attention and explores the issue in respect to various countries.

Those who persecute others for their religious beliefs and practices—for being different—display a perverse inventiveness in their inhumanity. The devious devices they come up with as a cover for their actions seem unbounded. The variety of actions perpetrated against religious believers range from physical attacks to weaving a web of so-called legal measures that so severely inhibit religious communities and their members that they violate most of the norms of freedom of religion. Among the most common kinds of violations of religious freedom have been:

- Physical attacks:
Killings, attacks on individuals' physical security—including torture. Religious extremism can often lead to violent acts and measures directed against individuals who do not submit to the strictures of such a group; these are violations of the right of each person to physical integrity, to be free from torture and unjust killing.
- Limits on proselytizing and possessing religious articles:
These restrict the right to manifest one's belief.
- Closing and destroying places of worship limiting religious publications, controlling the right to elect one's own religious leaders:
These are limits on the right to believe.
- Discrimination in employment, education, housing, the right to own property, access to credit, etc.

These measures are targeted to inhibit the ability of members of a religious community to participate fully in society and deny them equality and the ability to enjoy their human rights in numerous areas. Such measures may or may not be prescribed by law, and not all of them specifically affect the ability to form religious organizations, or manifest belief, but they commonly severely limit the rights of members of a particular religious communities and in many instances amount to ongoing harassment and persecution of entire communities. Measures like these often have the intended side effect of creating an inferior status of whole communities of believers and can assure or perpetuate poverty and hence, powerlessness of such groups.

- Forced exile and local expulsions of religious believers:

In addition to their other obvious implications, such actions also deny freedom of movement.

- Excessive limitations on freedom of expression and freedom of assembly:

These commonly accompany other violations and persecution of minorities exercising freedom of religion or belief.

Public officials are sometimes responsible for these abuses (particularly when there are legal or official limitations on religious freedom and related rights), but in many cases groups of private individuals may perpetrate the acts which harass or terrorize persons who belong to—or are perceived to belong to—communities that manifest other faiths than the officially favored or accepted ones.

Harassment of different religious communities sometimes takes different forms: it is not always accompanied by violent actions against religious communities or their forced expulsion. On the contrary, the techniques of persecution are much more insidious, sometimes quiet, sometimes “legal”, and often a mixture of methods.

Antisemitism and Religious Repression

The annual *World Report on Antisemitism*, published by the Institute for Jewish Policy Research (UK) and the American Jewish Committee (USA), reveals the complexity of the causes and diversity of manifestations of this age-old form of hatred by outlining each country's political and economic setting, the general climate of racism and xenophobia, the historical legacy of past antisemitism, the nature and ideology of extremist political parties and movements, actions by governments and measures seen as “pandering” to racist sentiment, as well as the specific details of violent and other manifestations of antisemitism ranging from arson to harassment and the promotion of hate against Jews. The most recent report, for example, cites upsurges in 1996 in antisemitism in such diverse countries as Turkey, Egypt, Argentina, Spain, Germany (which, despite recent improvements, continues to be the site of the highest number of incidents), Russia, and Canada. It also reveals the extent to which the Internet has become a vehicle of choice for the spread of anti semitic hatred.

Among the trends identified in the last World Report are:

- The salience of antisemitism for far right, neo-Nazi and extremist groups, many of whom work through the ballot box to legitimize and spread hatred.
- Most militant antisemites are young, unemployed males in North America and Europe, Australia, and the Middle East. The report states: “The main factors involved in the success of the far right are unemployment, economic uncertainty, crime, anti-immigrant feeling, and concern at the possible loss of national identity as a result of globalization and European integration. Antisemitism has been displaced by other forms of racism in many of these settings ...”
- Antisemitism is widespread in the former Soviet Union (“FSU”). Antisemitism is part of the ideology of the political opposition, the so-called “red” (communist) and “brown” (fascist) parties. There are two classic forms of antisemitism in the former Soviet Union countries: (1) antisemitism based on religious themes which incites hatred by reviving outrageous “blood libels”; and (2) political antisemitism which continues the canards against Jews developed and propagated from years of state-sponsored antisemitism in the Soviet bloc states. Jews and Jewish communities report on both ongoing incidents of repression and their very well-founded fear of further persecution. Commonly, the authorities in Russia and many of the FSU states do not take action against those who commit various acts directed against Jews.
- Numbers tell only part of the story. Violent incidents of antisemitism are recorded by groups in many of the countries. Overall, they have declined from the high recorded in 1995 although the actual number of incidents recorded in 1996 increased. Such incidents are up in France, but down in Germany and Austria.

But countries as distant as South Africa, Indonesia and Argentina have seen the reappearance of antisemitic violence in the last year.

- While there has been less physical violence or attacks on persons, there has been an upsurge in antisemitic graffiti, threats, and attacks on property.

Extreme Measures Directed Against Women

In many countries and religions, extremist religious organizations and sometimes governments as well have established measures to enforce subordination and obedience from women that deny them their rights to equality and liberty. For example, in Afghanistan, Taliban authorities have denied women the right to maintain jobs outside the home and have sanctioned beatings—on the streets or at home—as a means of enforcing submission from women. Such measures constitute a form of religious persecution. The Jacob Blaustein Institute has paid special attention to the human rights of women in its work. Recently we co-sponsored with the George Washington School of Law, a conference examining the intersection of “Religious Fundamentalisms and the Human Rights of Women,” which examined the practices of fundamentalist movements in all of the major religions and identified the ways international human rights norms were relevant to their behavior.

The Complex Causes of These Abuses

The causes of antisemitism and other forms of religious persecution are many: no single “germ theory” can account for it. To use another analogy, a stress theory might be more appropriate. The pathology of such persecution becomes visible only if the accepted societal balance breaks down. When societies begin to stress economically, socially, politically, and are near breakdown, there is greater manifestation of antisemitism and scapegoating of those who are different. Sometimes this takes the form of physical violence. In other situations, the persecution may be more pervasive and take other forms.

This leads us to highlight a major conclusion of every expert who has examined this subject: *repression of religious freedom and acts of religious intolerance, including violence, are commonly manifested in combination with other human rights abuses.* We believe it is essential for the members of this committee, and all others engaged in shaping US policy on religious persecution abroad, to bear this in mind when formulating US policy. It is also true that the governments are not always the perpetrators: communities of believers may instigate actions against other communities. In such instances, the root causes may be complex, but the obligations of governments to stop such violence and discrimination remain clear.

Sometimes the piety of one religious group or its leader is simply a mask for other prejudices which intrinsically have nothing to do with religion. Instead, historical, socio-cultural or physical factors may provoke the hostility. Often, the sacred teachings of religion are themselves twisted and construed to condone the prejudice.

In sum, the causes of religious persecution are many and require extensive analysis. We briefly identify some of them here.

- (1) Ignorance and lack of understanding;
- (2) Conflicts and variations in public religious identification and manifestations. In some instances, if a religion legitimizes secularization, the religion itself may become a target of persecution by those advocating greater religiosity in public affairs;
- (3) Exploitation or abuse of religion or belief—particularly among so-called “new” religions—for questionable ends, such as criminal activity, use of narcotics, etc.
- (4) Historical legacy of the role and conflict of religions in the pursuit of power extending back to ancient, medieval or colonial times and the manipulation of this past for present-day political purposes.
- (5) Social tensions, particularly those associated with the arrival of immigrant groups with unfamiliar religions, which can contribute to a sense that the minority religion is challenging the state's or the dominant religion's control
- (6) Absence of dialogue between those espousing different religions or beliefs
- (7) The pursuit of power. As we have seen in so many post-cold-war conflicts, leaders often use or attack religion to justify their own effort to obtain power and wealth, and to repress others for reasons that have little to do with differences in religious belief

II. MAKING SANCTIONS AN EFFECTIVE TOOL OF POLICY

The broad scope and complexity of the causes of religious persecution, as well as the close interrelationship of curtailment of religious freedoms with repression of other human rights, suggest that a broad and flexible strategy is needed for effective response. We have previously identified a ten-point plan for preventing persecution of religion abroad, appended to this statement, that incorporates our rec-

ommendations as to the elements of such a strategy. I submitted this plan to the State Department last year for consideration by the Secretary of State's Advisory Panel on Religious Freedom Abroad.

As the plan reflects, sanctions are a key tool of US foreign policy, but they should not be the sole substitute for a broader and focused policy response. In the 1990s, sanctions have been employed with increasing frequency; one study reminds us that the US has employed sanctions more since 1993 than in all the prior years of this century. It is our view that US sanctions should be designed to fit the specific policy objectives of specific cases. They are most effective when they are part of a policy response, not an alternative to one.

Many support sanctions because the imposition of sanctions registers disapproval and disassociates the US from atrocious acts. Sanctions also demonstrate the credibility of the international norms that have been breached, thereby backing up rhetoric with action. Imposing sanctions is aimed at punishing abuser countries. But this is not enough: properly conceived and devised, sanctions can also have a preventive function. If used early enough, they can prevent the deterioration of a situation into violence or warfare. It is therefore useful to think of sanctions less as punishment than as a non-violent deterrent which can serve as an alternative to the use of military force. They also offer the added value of being a policy response that the American public and Congress generally support (when they have been imposed, the congressional votes are usually overwhelming). Unilateral sanctions can be imposed relatively easily—by national governments acting alone, which is relatively easy to do particularly by comparison with multilateral sanctions. It is also true that some sanctions—especially individual financial sanctions—can be fine-tuned and targeted at the perpetrators themselves. Not only do they embarrass perpetrators of human rights abuses, but they press for changes in the behavior of state authorities which may well limit their action immediately or in the future. Thus, one of the most important values of sanctions is that they place the responsibility for improvement directly on the perpetrators.

But there are numerous critics of sanctions who question their effectiveness and the process by which they established. This subject has received considerable attention here in the Senate, as well as in the House of Representatives. Opponents of sanctions argue that they don't work, that they are a long term, not a short term, instrument. And while they may be aimed at perpetrators, it is argued, sanctions can be blunt instruments that harm innocent citizens instead of the perpetrators. Some say that sanctions are imposed too early, when other tools—like diplomatic representations, public criticism, and other measures—could still work. Because they are often punitive, and likely to be rejected by the target state, we often hear that sanctions can undermine US competitiveness and economic security, thereby harming our own nation. They can be costly not only in terms of lost business, it is said, but also costly if the legal and operational structures to impose sanctions quickly and effectively have to be established from scratch. At present, multilateral structures to enforce sanctions are weak or don't exist, and national ones need further improvement, too. Finally, sanctions are hard to remove. Some of the members of this body have been encouraging a process to ensure an independent assessment on the likely effectiveness of particular kinds of sanctions before they are imposed.

We do not take such a dim view of the efficacy of sanctions, but neither is it the case that they are always the most appropriate measure. The impact of sanctions often varies with the specific situation. Among the key factors are the degree of dependence between the countries involved, whether the sanctions are unilateral or multilateral, whether they are targeted on a government or private businesses within a country, whether retaliation is likely and whether alternatives to sanctions are available and have been tried or not. Sanctions are not a substitute for active diplomacy nor for policy; but when the abuses are egregious and when other aspects of policy fail to change this, sanctions must be an active part of American foreign policy that members of the legislative and executive branches should have the discretion to use when necessary.

In this connection, we note that automatic sanctions applicable to every country in the world—deemed a “one size fits all” approach—do not, in the case of religious persecution, offer the best approach for rewarding compliance by individual governments with the norms we are often seeking to uphold in our diplomatic efforts. As indicated earlier, the causes of religious intolerance and repression are many and complex. Our capacity to address them should be no less sophisticated and multi-layered.

III. THE INTERNATIONAL RELIGIOUS FREEDOM ACT

Over the past year, the Wolf-Specter bill (the Freedom from Religious Persecution Act, S. 772), introduced in June 1997 and passed by the House of Representatives last month, brought much-needed attention to and action on behalf of the plight of untold numbers of people around the globe who are suffering because of their religious beliefs. More recently, an alternative initiative directed to this crucial problem has been introduced, the Nickles-Mack-Lieberman bill, titled the International Religious Freedom Act (S. 1868). It is the latter bill that is the focus of my remarks today. We strongly support the policy objectives of the bill:

- to condemn religious persecution and to promote and assist other governments in advancing the right to religious freedom;
- to channel US security and development assistance away from governments that engage in violations of human rights, including religious freedom, and towards those who respect it;
- to be vigorous and flexible in an effort to reflect our deeply held principles but to produce the most effective and principled response, given the diversity of behavior, violations, and the status of US relations with any country;
- to advance multilateral norms and initiatives to combat religious persecution abroad; and
- to use and implement appropriate tools in the foreign policy apparatus to this end—diplomatic, political, commercial, charitable, educational, and cultural.

In the view of the American Jewish Committee, the International Religious Freedom Act offers the promise of genuine efficacy in combating religious persecution, and meets the conditions we have set out above for sanctions: it promotes a flexible approach to sanctions and it allows for policy responses that are country-specific and situation-specific. We have argued for some time for a menu of calibrated and discretionary sanctions instead of the automatic sanctions provided in Wolf-Specter. This stems from our analysis both of the causes and practices of religious repression, and from our long-standing experience with respect to efforts to correct such behavior.

The Nickles-Mack bill provides for a sophisticated and calibrated menu of sanctions in response to findings that countries conduct religious persecution and/or gross violations of human rights. Sixteen different forms of executive action or economic sanction are offered for any country identified to be engaging in or tolerating religious persecution. The President is mandated to take the action or actions that most appropriately respond to the nature and severity of the religious persecution, and to seek to target action as narrowly as practicable with respect to the agency, foreign government or specific individuals responsible, and to make reasonable efforts to conclude agreements on ending such persecution. In addition, provision is made for presidential waivers, and a process of consultation and negotiation makes it less likely that a country will be designated as engaged in widespread and ongoing abusive practices in a situation where that finding is unwarranted. The bill allows for consultation with the community of believers most affected by the repression, and hence, the flexibility to utilize the means deemed most effective and least likely to provoke further harm to those who are already its victims.

We also commend the Nickles-Mack bill's incorporation of a definition of acts of religious persecution that follows in important respects the definitions of freedom of religion and belief currently found in both international and US law. The broad definitions of religious persecution and gross violations of religious freedom in Nickles-Mack are more likely to include the kind of repression that affects religious communities worldwide. It is important that the definition adopted in this legislation not weaken the international standard on religious freedom which the US government and non-governmental organizations have worked so hard to establish and maintain—despite severe opposition—in international instruments and forums. At the least, the definition should not exclude practices and acts perpetrated against Jews and other communities of faith that have in the past been understood to constitute persecution (e.g., preventing religious believers from forming congregations or worshipping together; denying employment, social services, health care or access to education, or ownership of property; forbidding the right to leave, to marry, to inherit or to educate one's children; perpetrating hate crimes and destruction of property, etc.). Such practices have led to violent conflicts and even genocide. They are often the first harbingers of persecution of communities of faith. If we are serious about combating religious persecution abroad, and about preventing even worse atrocities, these practices and acts should be addressed by this bill.

However, we do have a number of concerns with respect to the definitions set forth in the bill, its requirements of duplicative reporting, and the creation of a

more elaborate bureaucracy that is not linked to and aimed at strengthening existing human rights machinery in our government.

Nickles-Mack would create new government offices and high level posts subject to Senate confirmation to monitor and report on religious persecution worldwide. It requires separate reports on countries, with sanctions required for countries that are determined to be engaged directly in religious persecution (which, as defined, can consist of single acts or violations) or for governments inactive in discouraging it. The bill also requires overall improvement in State Department reporting on religious persecution in the annual human rights country reports, changes in INS training and handling of religious asylum claims, and a wide array of other educational, training, and reporting measures.

We welcome the determination these measures signal: to make the US government pay attention to egregious practices of religious intolerance. But we are concerned that the new bureaucracy to be created would duplicate rather than strengthen existing policy bodies, particularly those in the human rights field. Moreover, it could isolate the religious persecution monitoring programs from the information-gathering and diplomatic apparatus of the State Department. As indicated earlier, evidence shows that religious persecution commonly takes place when there are other human rights abuses. Better integration of the new apparatus into existing policy structures would do more to provide early warning and prevention of religious repression than its isolation.

In addition, the International Religious Freedom Act would create new posts in both the Department of State (an ambassador-at-large requiring Senate confirmation) and the National Security Council, including a 2-year, 6-person Commission on International Religious Persecution, replacing or supplementing the current Advisory Committee. But the new positions in the State Department would not be formally connected to the Bureau of Democracy, Human Rights, and Labor. We believe that further attention should be given to linking them clearly so that this combined machinery would be more effective within the government. We remain concerned about creating an isolated and possibly competing mini-bureaucracy on religious freedom issues; it is our view that this must be linked to the machinery focused on protection of all human rights. We are concerned that the machinery proposed in Nickles-Mack not only duplicates but also challenges (rather than reinforces or strengthens) human rights structures within State created 20 years ago and those in the White House/NSC. If the aim is to strengthen the consideration of human rights and religious freedom issues by the US government in its foreign policy, then this function should be incorporated within the existing structures which are already engaged in monitoring, reporting and other activities related to ending religious persecution worldwide. We have noted with regret that the Human Rights Bureau in State is now the smallest Bureau in the Department and is smaller even than the Protocol Office. If we want to be effective in stopping religious repression, that is simply wrong.

The Nickles-Mack bill requires multiple reports and determinations of which countries are religious persecutors and/or gross violators by the new machinery, with the reference to gross violators suggesting a series on ongoing egregious forms of religious intolerance.

The Nickles-Mack bill has a number of other provisions about which we have concerns. Most prominent among these are its two-tiered definitions. The definitions in the Nickles-Mack bill commendably encompass more forms of religious intolerance than Wolf-Specter. However, the Nickles-Mack bill uses the term "gross violations" to refer to egregious acts which we understand would normally be termed persecution, and the term "persecution" to refer to "any" act or violation. The terminology seems to be reversed: persecution normally refers to widespread and ongoing patterns of activity, while violations usually refer to separate acts. Moreover, the term "persecution" is widely used to trigger provision of asylum for would-be refugees and it would undoubtedly complicate our asylum policies to use it to refer to individual acts.¹

We commend the authors of the bill for making this definition broad enough so that it is not limited merely to government action. The bill recognizes (in Sec.102

¹ The reference to asylum policy brings to the fore another issue that should be mentioned in light of the commendable concern for victims of religious persecution that the Wolf-Specter and Nickles-Mack-Lieberman initiatives reflect. A scant two years ago, the Congress enacted "expedited exclusion" provisions that will inevitably result (if they have not already done so) in this nation's returning persons with meritorious claims for asylum to nations of origin where they face death, torture or other grievous harm. That awful possibility confronts, of course, those who flee persecution of any type, not just victims of religious persecution. We urge the Congress to seek an early opportunity to provide for an across-the-board elimination, or at least substantial modification, of expedited exclusion.

(b)(1)(ii)) that other actors, including religious communities themselves, may carry out acts of violence or repression against other such communities which differ from them, and that government inaction in the face of such incidents is itself an egregious act. Whether it constitutes complicity is one of the issues that those compiling the reports will have to study. We know too well from our own history that silence in the face of such repressive acts is never acceptable.

The implications, however, of the reversal of normal terminology regarding the definitions of “violations” and “persecution” in the Nickles-Mack bill raise some serious and real concerns, both in policy and administration. Section 401(b) requires that the President “shall take one or more of the actions” designated as sanctions in Sec. 405(a) for each country identified in the mandated Annual Report on Religious Persecution as engaging or tolerating acts of religious “persecution.” Yet nearly every country—including our own—may have some individual instances in which there are abuses of the right to freedom of religion or belief of one or more of its citizens, and these may be met with inaction by the government. Unless the definition of sanctionable cases is modified, the bill may well mandate US officials to make private demarches or public statements in a vast number of individual cases (which are termed “persecution” in Nickles-Mack). While this may be desirable in the abstract, it may so dominate the human resources available to the Department of State and other US officials as to become administratively unwieldy. Therefore, we would encourage a technical review of the use of the definitions and terms describing repressive acts related to religious freedom in the bill. This could include consideration of whether there should be a threshold established for the requirement that one or more of the flexible menu of sanctions must be applied for individual incidents. This would not, of course, preclude the possibility that the President and US diplomatic officials could still be encouraged to make private or public demarches and representations regarding individual incidents, but merely modify the requirement that they must do so in each instance. This reflects both matters of definition and of sheer volume of cases requiring independent action by US officials under this bill.

In its initial list of findings, the Nickles-Mack bill begins with an appropriate series of references to and citations of the universal norms on freedom of religion in the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and various regional instruments. However, two technical details appear to have been omitted. First, the bill omits mentioning norms on religious freedom included in the regional human rights instruments of the Organization of African Unity and the Organization of American States, which should be referenced because they further demonstrate the universality of freedom of thought, religion, and belief. And Section 2(a)(3), which outlines the elements of religious freedom cited in Article 18 of the International Covenant on Civil and Political Rights, to which the United States is a party, states that “Religious freedom is a fundamental right of every individual, regardless of race, country, creed or nationality. . . .”

Both the Covenant and the Universal Declaration (like the UN Charter and other instruments) also identify sex as one of the factors which must not be disregarded in ensuring that “everyone” shall have the freedoms cited. It would be helpful to correct this error by adding “sex” to the list cited in Section 2(a)(3). We believe it is important to signal that “everyone” means everyone. Every individual, in every country in the world, has the right to practice his or her religion, alone or in the community of others, in public or in private, and to manifest it.

Finally, on the positive side, the Nickles bill provides for consultation with the communities of believers under threat, so that the sanctions, if imposed, will not create more problems on the ground if those most directly affected by them are opposed to them. But it is ironic that it provides for this kind of consultation abroad, but does not appear to provide for it within the US government and the State Department in particular. Some of the lines of authority within the US government need to be clarified, beginning with the relationship of the Ambassadorial-level post to the human rights bureau.

IV. CONCLUSION—IS THIS BILL REALLY NECESSARY?

The foregoing comments should not be viewed as mitigating from our view that the Nickles-Mack bill is a preferred form of legislation in the area of religious freedom. Because of the sophisticated menu of choices offered, clearly linking and integrating the pursuit of an end to religious persecution to overall U.S. policy, it is well constructed and calculated to achieve the goals of helping repressed communities abroad.

We believe the net result of the Nickles bill, with some of the changes outlined above, would be a better integration of concern about religious persecution as an aim in US foreign policy, and result in a better outcome in preventing and putting an end to religious repression in at least some instances.

This Committee has already heard from Assistant Secretary of State for Democracy, Human Rights, and Labor John Shattuck on the bill and there are voices in the Administration (and in the Congress) that argue that neither Nickles-Mack nor Wolf-Specter is necessary, that the Administration already has the authority to do what is necessary. We note, and appreciate that, through the creation of an advisory committee on religious persecution, the issuing of specialized country reports, and the instructions issued to diplomatic posts and promises made in public by the Secretary of State to create an office on religious persecution, the Clinton Administration has treated the issue of promoting religious freedom abroad with more seriousness than its predecessors. No prior Administration, Democratic or Republican, has done as much to heighten attention to this issue overall.

But we are not satisfied that the views and directives of the Administration leadership have changed the way the government bureaucracy—from the State Department to Commerce, from the National Security Council to the Department of Labor, from the Bureau of East Asian Affairs to the Bureau of African Affairs and elsewhere—addresses and takes action abroad to prevent and protect against religious intolerance and violent acts that stem from it. Our experience with the human rights legislation adopted by the Congress—over the objections of past Administrations—demonstrates that it is essential to make officials at the working level, at diplomatic posts abroad, as well as right here in Washington, aware of the problems posed by this kind of prejudice and bigotry, and the threat to stability, peace and security posed by such abuses. Our goal is to make American policy more effective. We believe the Nickles-Mack-Lieberman bill has the right approach. It is calibrated, can be situation-specific, offers flexibility in its application and imposition, but forces American policy makers and officials to ask questions, confront the facts, and explore realistic options available to them. A review of our experience with the Soviet Jewry movement reveals that US action on religious persecution can succeed when the efforts are integrated within existing structures and offer flexibility in its application. This offers lessons for our consideration of the International Religious Freedom Act today.

In sum, Mr. Chairman, we are convinced it would be helpful to have legislation that focuses attention on this real area of need and that, with the changes we have recommended, has the potential to make a real difference. Americans should not be hesitant about speaking out in support of persecuted religious groups. Neither should we be reluctant to speak to other human rights abuses that affect those groups and societies every day. We believe America can and must lead—and that to do so it needs the support, infrastructure, commitment, and means to do so. We look to you and this Committee to achieve those ends.

Attachment

THE AMERICAN JEWISH COMMITTEE'S TEN-POINT PLAN FOR PREVENTING PERSECUTION OF RELIGION ABROAD

PRESENTED TO THE SECRETARY OF STATE'S ADVISORY COMMITTEE ON RELIGIOUS PERSECUTION ABROAD, JULY, 1997

- (1) *Strengthen the universality of all human rights norms, including those affirming religious freedom.*

Strengthening universality can give the United States a much more powerful bilateral tool with which to combat flouting of religious norms. The more the international community stresses the universality of human rights, particularly through the UN, regional organizations and through a wide variety of other governmental actions, the harder it becomes for violator governments to argue that their actions are justified or that they are being singled out for criticism. Often, the same countries whose present governments complain about the norms being "foreign" were participants in the drafting and adoption of the norms and voted in favor of them.

Strengthening universality requires, among other items:

- affirmation that religious freedom applies to all and the standards cannot be different for different religions or different countries;

- an expert presence at international human rights sessions at the UN and the ability to use that presence effectively to preserve and extend protections of the elements of freedom of thought, conscience, religion and belief;
- year-round attentiveness to monitoring human rights violations worldwide that affect religious believers and communities of believers;
- stronger capacity within the State Department to monitor, report on and make policy recommendations to advance religious freedom for all worldwide.

Strengthening universality also implies greater support for building up the capacity of human rights monitoring groups within countries themselves to hold governments accountable for their actions that abuse human rights, including religious freedoms. There is an opportunity to use the Agency for International Development (AID) and the National Endowment for Democracy (NED) more effectively to promote this capacity and to ensure that freedom of religion is something that is routinely monitored by these and other groups..

(2) Go country-specific and situation-specific

Human rights organizations have demonstrated that initiatives that “name names”, and focus on (and embarrass and/or punish) specific countries are the most effective in changing a government's behavior when the government itself is in a position to turn on or turn off the repression. In situations where the government finds itself (or argues that it is) unable to do anything to stop the violence or repression, embarrassment and punishment alone may not work. In such cases, more carefully calibrated policies are needed to encourage officials to take active measures to stop or prosecute those responsible. The goal of trying to bring about effective change should always be at the forefront of such country-specific actions.

- Enlist Congressional oversight powers to ensure that existing US policy on human rights and religious freedom is better implemented. Ask to see how the US government's policies on “human rights as a pillar of US foreign policy” are operationalized—region by region and country by country. Ask for regional Assistant Secretaries to testify to the committee on how their regions. It would be useful to form county task forces to which other experts could be added and invited.

(3) Be there: Get the facts, analyze the situation and convey concern over religious persecution when it exists

The key to effective and credible human rights activism is the identification and verification of relevant information: in short, fact-finding.

- Beef up the capacity of international bodies and specialists to monitor and report on violations of religious freedom and related human rights abuses.
- Support the capacity of the UN Special Rapporteur on Religious Intolerance and the High Commissioner to carry out efforts to report fully and credibly and to take measures to prevent religious persecution.

(4) At every US embassy abroad, beef up the “field” presence and expertise in identifying early signs of religious persecution, preventing it and promoting religious freedom

There is a great need to improve the training of US diplomats, including political appointees such as ambassadors, on human rights including freedom of religion and belief with a special emphasis on improved fact-finding, reporting, consultations, and diplomatic activities while posted abroad. The Administration has begun to take steps in this direction. Early experiences with human rights monitoring by the US government have demonstrated the magnitude of the task of sensitizing US foreign service officials and other diplomats serving abroad on these matters. Efforts in recent years to improve monitoring and reporting on discrimination against women and abridgment of labor rights in the country reports should be emulated in the area of religious freedom.

(5) Strengthen existing Human Rights Institutions

The UN's first Special Rapporteur on Religious Intolerance, Angelo d'Almedia Ribeiro (Portugal), concluded that religious freedom is so interrelated with other freedoms (e.g., freedom of association, assembly, speech, etc.) that the best guarantee of eradicating it is building effective institutions for democracy, rule of law and socio-economic measures that remove inequalities. In this way, we can directly address the root causes of the inter-denominational conflicts at the same time as we build institutions that can hold those responsible to account.

(A) Strengthen the Bureau of Human Rights, Democracy and Labor (DRL)

The Bureau of Democracy, Human Rights and Labor in the Dept. of State is presently the smallest Bureau in the Department—smaller than the Protocol office. It is facing further cutbacks. Rather than bypass or weaken these key institutions, built up over the past two decades, those seeking to prevent and stop religious persecution should favor an increase in the number of personnel and expertise on religious freedom on the DRL Bureau's staff. For this reason, any senior official, such as the proposed Ambassador-at-Large for Religious Freedom, should be attached to the human rights bureau and report through its Assistant Secretary.

(B) Strengthen development of means of accountability: finding ways to hold perpetrators of abuses accountable within their own societies, and if that does not work, ensure there is an appropriate international forum

There are two promising ways to achieve this:

(C) Strengthening national institutions

If those responsible for perpetrating abuses of religious freedom are to be held to account, there must be national institutions capable of acting effectively, not standing idle. Government officials, police, and courts all need to be strengthened and made more effective and credible. Current foreign aid projects to build respect for the rule of law and ensure accountability within countries are inadequate and will need substantial strengthening.

(D) Creating an International Criminal Court to hold perpetrators of genocide and related persecution accountable when national courts are ineffective or unavailable

Such an entity would expand upon the UN tribunals created for former Yugoslavia and Rwanda. Discussions of the scope and nature of such a Court are under way at the UN. The Convention against Genocide (to which the US is a party) calls for a court to punish those responsible for genocide, which includes destruction (or intent to destroy) the members of a group in whole or in part. Persecution against religious groups may fit such a category

(6) Encourage inter religious contacts while maintaining stronger contacts with communities of faith within a country

International contacts as well as presence in countries of concern can serve as protection for those at risk of persecution and beleaguered communities. In addition, human rights advocates have found that it is essential to consult wherever possible with those in the country concerned who are leading efforts to defend freedoms there. Their views as to what helps and harms them should be given major consideration.

(7) Promote specialized education at home and abroad about human rights and religious freedom

Community organizations and the US government should use the 50th anniversary of the Universal Declaration of Human Rights this year as an opportunity to educate Americans and others about human rights, including religious freedom, and to raise the profile of these issues. We are pleased to point out that a community action guide, entitled "In Your Hands," prepared by our Jacob Blaustein Institute for use nationwide during the 50th anniversary, contains a substantial section on religious persecution with activities every American can take to learn about and work to end such behavior.

(8) Speak out and lead new initiatives wherever possible

At summit meetings, and other high-level encounters, the US should expend greater effort should to put religious freedom and other human rights into a position of prominence. At ordinary sessions of the UN Commission on Human Rights, the General Assembly and other international bodies, it is important that the US always speak out against incitement to hatred. On such issues, the US is often the only country that will do so; its leadership is truly indispensable to bringing others to speak out as well.

At summit meetings and diplomatic events, the US should speak out for the values of freedom and human rights, including religious freedom. Such speeches must not be limited to our shores, but repeated and affirmed abroad by our highest leaders. The US should make it clear that these are universal rights, not just American concerns.

(9) Work with new constituencies and build bridges

One of the great lessons of the Soviet Jewry movement, as well as the human rights movement itself has been the importance of broadening support for ending human rights abuses, and working in coalition with other civic groups. Concern about religious persecution should not be the concern only of faith-based organizations. Among the constituencies that should be enlisted in these efforts are women's organizations, human rights groups, religious communities, business activists, and other local constituencies.

(10) Review and revise asylum procedures to make them more fair

For instance, it would be important to fix the country profiles given to USINR interview officers and other personnel. Too often these emphasize possible grounds to deny asylum rather than to understand the problems faced by persecuted communities.

Steps should also be taken to end the summary exclusion proceeding—for all.

PREPARED STATEMENT OF THE REV. DR. JOHN N. AKERS

Mr. Chairman, distinguished members of the Senate Foreign Relations Committee, and friends.

Thank you very much for the opportunity to appear before you today in connection with the proposed "International Religious Freedom Act of 1998." American organizations which are involved in religious and humanitarian service in other countries have an enormous stake in this issue, and I am grateful you have invited some of us who represent mission agencies to participate in this hearing.

Currently over 170,000 Americans, representing over 800 denominational and nondenominational agencies, are involved in some type of religious work overseas. Their work runs the gamut from evangelism and church planting, to schools, hospitals, disaster relief, agricultural and other development projects, and other kinds of humanitarian aid.

Let me be clear: Religious persecution is abhorrent to all of us, and any country which consistently practices it cannot expect to be accepted within the circle of civilized nations. Many mission agencies face this problem almost daily, and yet for too long religious persecution has been overlooked in discussions about human rights. We therefore welcome the recent attention which has been given to the problem of religious persecution, and we thank you for your concern.

Like other mission agencies, the organization I represent today—East Gates Ministries International—is a nonprofit, non-political religious agency. It is not my intention, therefore, to speak about the possible political or economic repercussions of this bill. Nor am I equipped to give a point-by-point analysis of the proposed Bill. I am sure you will be studying carefully the thoughtful suggestions others have made.

Instead, today I would like to bring to your attention two concerns we have—what I might call two benchmarks, against which I believe any final version of this bill should be measured. I hope you will keep these two concerns before you as the Bill is debated.

First, we believe the final version of any bill on religious persecution must take into account its potential impact on the work of American mission organizations.

Many American mission agencies work in what are frankly difficult circumstances, including societies where there may be discrimination or even persecution against religious minorities. Often they are able to continue their work only because they have learned to stay clear of political involvements, and to demonstrate that they are working for the betterment of that society and its people.

If, however, the United States were to impose (for example) automatic, harsh sanctions without exception against every society judged to practice religious discrimination, almost certainly some governments would react with immediate reprisals against American mission organizations. In extreme cases they would be banned from continuing their work, and their personnel might be in serious danger. I trust you will always keep this concern in mind.

Second, we believe the final version of any bill on religious persecution must take into account its probable impact on the religious believers it seeks to help. The old adage of Hippocrates applies here as well: First, do thy patient no harm.

The point is this: In some societies, stringent and thoughtless measures by the United States could actually make the situation worse for believers, rather than better. Religious persecution is usually a far more complex issue than we are willing to admit. As a church leader from one Asian country said to me, "If my government

concludes we Christians are the cause of bad relations between our two countries, it will only make life more difficult for us."

Please permit me to add a word of background here. One question that is often overlooked is this: Why are people persecuted for their faith?

There are many answers to that question, of course. At the root of most persecution, however, is the perception that a minority religious group is different, and that they are therefore a threat to the established social or political order.

Anything which magnifies that perception of differentness, therefore, usually only makes things worse. This is precisely why it is so difficult for a foreign government (such as ours) to single out a particular religious group for attention. Doing so may actually heighten its perception of differentness by their surrounding society, thus making them the focal point of greater antagonism and discrimination.

The bottom line is this: As you consider this bill, please remember that each country and each case of persecution is different. In our view, a "one size fits all" approach is dangerous, and will end up hurting religious minorities in some countries, not helping them. Any bill must avoid inadvertently hurting those it seeks to help.

In asking you to remember the potential impact of a religious persecution bill on both American mission agencies and on foreign believers, I do not mean to imply that I am opposed to the specific bill that is before this Committee. That is not the case. This bill's measured approach to the subject, and its wide range of responses to instances of religious discrimination, are significant contributions to the legislative debate about this issue.

However, in light of the two concerns I have outlined, let me respectfully suggest four possible additions to the present bill for your consideration.

First, we urge that the bill explicitly require multilateral consultations and actions wherever possible. Aside from the obvious advantage of bringing the moral weight of the international community to bear against gross acts of religious persecution a multilateral approach could also help minimize the impact on American mission agencies, which might otherwise be singled out for reprisals.

Second, we suggest that consideration be given to placing a time limit on the Act. Let me be honest: Many of us who are involved in foreign missionary activity admittedly become very nervous whenever any governments become involved in religious matters that affect us. We know that this can lead to unforeseen problems. Requiring the Act to be renewed periodically would give all of us a better opportunity to spot any problems it might be inadvertently causing, including problems for mission agencies or indigenous believers.

Third, we urge that the Bill explicitly require those involved in its implementation to take into account not only the immediate religious situation in a specific country, but also the overall trend. This can work both ways. Some countries may be making a good faith effort to reverse their past policies of religious discrimination, and this should be rewarded. Others may be taking the first steps toward more onerous policies, and these need to be spotted and acted upon.

Finally, we urge the Committee to write into the Bill as many safeguards as possible to avoid politicizing this issue. I do not pretend to know the exact formula for accomplishing this; I know some have suggested that strengthening the role of the Department of State might help. I do know, however, that an annual squabble between the President and the Congress over specific instances of religious persecution will hurt those of us who serve in other countries, and will also hurt the cause of religious freedom in some countries. I hope you will do everything you can to keep that from happening.

Again, I thank you for your concern for this subject, and for your kind attention to these comments.¹

PREPARED STATEMENT OF DR. WILLIAM R. O'BRIEN

Introduction

Mr. Chairman and members of the committee, thank you for the opportunity to appear before your committee today. I am William R. O'Brien, Director of the Global Center at Samford University in Birmingham, Alabama. I have been in this position since March 1991. Prior to that, I served in administrative staff positions from 1976 at the Foreign Mission Board, Southern Baptist Convention, including Executive

¹ East Gates Ministries International (with offices in Seattle, Hong Kong and Shanghai) works openly with both the officially recognized and unofficial churches of the people's Republic of China, to assist them with legally-printed Bibles, literature, leadership training, and other resources. East Gates is headed by the Rev. Nelson Graham, son of Dr. and Mrs. Billy Graham.

Vice President from 1980 to 1989, and Director of Public Affairs and the Global Desk from 1989 to 1991. My family and I served as Southern Baptist missionaries in Indonesia from 1963 to 1971. Currently my wife, Dellanna, is Executive Director of Woman's Missionary Union, Auxiliary to the Southern Baptist Convention. WMU is the largest women and girls' organization in America, with approximately one million members. The organization stays abreast of domestic and international realities in order to provide solid missions education for local churches, and promotion of national offerings in support of Southern Baptist missions at home and abroad. In its 110 year history, WMU has successfully raised about \$2 billion dollars for world missions.

In addition to almost twenty-seven years service through the Foreign Mission Board, I bring several years of international involvement through the Pacific Rim Think Tank of International Urban Associates, Plowshares Institute (a ministry wholly committed to conflict management and empowering for reconciliation with justice), Evangelicals for Middle East Understanding, the Russian/American Logos Group (founding body of a Christian Music Conservatory and Cultural Center in Moscow), and co-chair of a task-force serving the Birmingham Civil Rights Institute.

The Reality of Religious Persecution

I am deeply grateful for the focus on religious persecution in both the House and the Senate of our United States Congress. The initiatives of Senators Nickles, Lieberman and others in the Senate, and Congressmen Wolf and Specter in the House serve to both ratchet up our concern while attempting to provide legislative measures through which we can, in partnership with other concerned states, influence change in those areas of proven violation of religious liberty and human rights. Such efforts help to overcome any malaise and apathy within our own press and other media that may contribute to both ignorance and insensitivity of the American people. While religious persecution per se in many parts of the world is a verifiable reality, persecution of Christians too often has not captured the attention of the media or politicians in proportion to the depth of the issue. In *Their Blood Cries Out* author Paul Marshall says the story about Christians "is a story that is all but ignored and unknown in the world at large, and little better known in the Christian world." (Word Publishers, 1997, pg. 4)

The reality of what has been happening for a long time cannot be denied. Documented instances of the persecution of Christians, as well as the persecution of adherents of other religions, are available to the public through print, Internet access, and contact with numerous advocacy groups. (See Appendix A in *Their Blood Cries Out*.)

The Complexity of Defining Religious Persecution

Life in general is basically "messy." In spite of attempts to neatly categorize our activities and relationships in order to control and protect our lives, it never works. For instance, "sacred" and "secular" are Siamese twins; attempts to surgically separate them usually bring death to one, or both. In attempting to define religious persecution so that the perpetrators can be exposed and dealt with, we discover a multi-complex braid of culture, ethnicity, economics, politics, and religion. Any legislation that calls for concrete and pejorative steps must be wisely crafted in order to avoid deeper problems on the ground where the conflict exists, as well as a negative boomerang effect on the United States.

My family lived and worked in Indonesia from 1963 until 1971. In those years we experienced run-away inflation, an attempted coup d'etat in 1965, a bloody massacre over a six-month period following the coup, and the initiation of the New Order under the newly installed President Suharto. During the six-month "clean-up operation" which was carried out in the name of crushing the Communist Party, there were instances of torture and killing between Javanese and Chinese, Muslims and Christians, and neighbor against neighbor. The umbrella motive for the operation was political cleansing and stabilizing a sense of nationhood. Meanwhile, religious and ethnic factors played a role, taking advantage of the larger movement in order to carry out vendettas on other levels.

The same is true when harassment, torture, and persecution on religious grounds are carried out. It is often difficult to ferret out if this is purely religious persecution, or, are there socio-economic, cultural, and/or ethnic motivations mixed in? For instance, some of the church burnings in Indonesia in 1996/97 were not all purely based on a religious bias. There is a perception that Christians are more affluent. Because the ethnic Chinese of Indonesia comprise no more than 4% of the population and control about 75% of the wealth, and because many Chinese are Christians, a general image of Christians often carries with it a false perception of affluence that simply is not true. Among the churches burned over the past three years,

many, if not most, would be comprised of very poor congregations. But the clouded picture of who Christians are and any advantage they may have economically confuses the whole issue. That is not to say that there were no burnings based on pure religious conviction, but sometimes the picture is too hazy to make categorical declarations.

Some of the Muslims involved in church burnings in East Java are members of the Nahd'atul Ulama Party, the largest Islamic party in the country comprised of over 30 million members. In 1996 I co-led a small group of theological professors to Indonesia in a saturation immersion in the culture. We spent two hours at the Nahd'atul Ulama Party headquarters with Mr. Abdurrahman Wahid, chairman of the party, and one of the most influential Muslim leaders in Indonesia. Mr. Wahid is a religious and political moderate. He related stories about traveling to east Java to meet with communities and Christian leaders to explain the burnings were not party policy, were not part of the teachings of the Koran, and made every attempt to build bridges of understanding for the good of the community. These instances reflect the reality of uncontrollable persons or groups who act out of their own radicality and not based on any state or political policy or backing.

On the other hand, in the current scene there are small radical groups who wreak havoc because of encouragement from sermons in the Mosques; rich or poor is not the motivation. And the religious harassment now taking place is carried out in a quasi-political vacuum during the tense transition of leadership from Mr. Suharto to President Habibie. While ABRI (the Indonesian armed forces) have traditionally stood together in support of the Pancasila (the foundational document of the nation), and opposed any attempt to turn Indonesia into an Islamic state, observant Indonesians are noticing a more divided military now where many seem to be turning "Green" while others are still strong supporters of the "Red and White." Given the current political climate in Indonesia, the more radical elements of Islam, who from 1945 have pushed for the adoption of the Jakarta Charter as the basis of law in Indonesia, are once again pushing for an Islamic state. The next six to twelve months hold awesome implications for Indonesia as a nation, and, therefore, for the region and the world. Depending on the political decisions made, which in Indonesia are inextricably intertwined with religion, the potential for the exacerbation of religious persecution targeting minority Christian groups is very sobering. The willingness of some Muslims to sacrifice any existing economic framework if that is what it takes to create an Islamic state further complicates balancing the national equation.

The reason I have focused on the Indonesian scene vis-a-vis the International Religious Freedom Act of 1998 is not simply because I happen to know Indonesia. Indonesia symbolizes the complexity of the religion question in most of the non-western societies.

For instance, in the Middle East there have been recent allegations of systemic persecution of Christians by the Palestinian Authority. A recent fact-finding trip by scholars and journalists sponsored by Evangelicals for Middle East Understanding could not substantiate any of the allegations. While there are isolated incidents and tensions that mark any culture with majority and minority populations, there was no proof of a rising tide of anti-Christian sentiment. Dr. Donald Wagner, Executive Director of EMEU, stated in a press release from Jerusalem on May 22, 1998 and reissued in Chicago on June 8, 1998, that "we found disturbing indications of political motivations behind recent publicity about Christian persecution. We deplore efforts by anyone to pit people of one faith against those of another religion in order to strengthen a political position."

From China the West receives very mixed signals about the Three-Self Patriotic Movement and the China Christian Council (CCC). Naysayers give the impression that the CCC is led by either members of the Communist Party or they are at least collaborationist and under the control of the government. Therefore, the "underground" church is the only true church comprised of members who are uncompromising. Those who know personally the CCC leadership, who have worshiped in many open churches, and who have observed the theological training centers have a very different impression.

Background and definitions at this point may be helpful. The Three-Self Patriotic Movement was formed in 1955 by seven pastors who realized crucial changes were taking place in China, and if the church was to survive some new initiatives were needed. The movement was concerned only about work inside China. During the most critical days pastors and believers worshiped in what Westerners would call "underground" churches. The Chinese pastors refer to worshiping only with the family or with one or two sets of neighbors. This would occur in homes.

In 1979 the Chinese government recognized five religious entities: Buddhists, Taoists, Muslims, Protestants, and Catholics. They did not recognize such indigenous

movements as Watchman Nee's Little Flock, Seventh-Day Adventists and others. The government views them as cults and outside the freedom of religion policies. (However, when some of their leaders were once jailed, the leader of the China Christian Council and his associate went to Beijing to protest on their behalf. The government leaders responded by saying they did not understand the difference between "true Christians" and "cults," and were willing to be taught the difference.)

With increasing freedom of religious expression over the past twenty years there are now 37,000 registered churches and meeting places with between 12–15 million members. A registered meeting place may lack the ability to pay a pastor or be unable to have a church building. There are also unregistered meeting places that cooperate with the CCC. We do not know how many unregistered/non-cooperating meeting places there are. The estimates of the total number of Protestant and Catholic Christians registered and unregistered, vary widely. In a land so vast, mixed with cultural characteristics that do not place an emphasis on numbers, it is futile to try to verify accurately the Christian population of China.

About 1980 the China Christian Council was formed to work both inside and outside of China. Major departments of the Council include church, social ministries, theological education, evangelism, lay training, and ministries among minorities. When the Amity Foundation, with its Amity Press, was formed in the mid-1980s, it came under the direction of the CCC. During my tenure at the Foreign Mission Board we worked with the CCC in helping to fund the beginning of the Amity Foundation Press in Nanjing. Since its inception in the mid-1980s the Amity Press has printed and distributed within China 20 million Bibles. One can even find Bibles for purchase at the Tass News Agency bookstores. Pastors of unregistered churches come to the open churches to get their Bibles and hymn books.

My experience has been that almost anything one reads about in China is true; it is happening somewhere. There may be leaders in one province who are harassing and imprisoning some unregistered church leaders while in the adjacent province there may be a Christian revival breaking out. Pastors of unregistered churches invite pastors of open churches to preach in their pulpits. Pastors of open churches always wait for those invitations. In their position if they attended an unregistered church uninvited they may be accused of being spies by the people. One pastor in Guangzhou boasts about being pastor of the largest underground, or unregistered church in China. The church meets on the second floor of a building, immediately above the police station. Everything they do is quite open and known by everyone. All of this to say there are complexities in all of these situations that demand a very studied approach to any applied action.

During February 1998 three U.S. religious leaders (Jewish, Catholic, Evangelical) traveled as a delegation to China to meet with Chinese political and religious leaders concerning the issue of religious freedom. They noted in their report the transition over the past twenty years from a Cultural-Revolution policy of banning all religious activity to an allowing and tolerating of organized religious activity under the supervision of the Communist Party's United Front Work Department. Officials feel this reality reflects the general trend to economic reform and greater social openness. All the more reason to keep the dialogue open and work from within the Chinese system. It is crucial to understand a "Middle Kingdom" mindset and culture. Friendship and trust earns one a place at the Chinese table.

To influence change that can bring both relief and ultimately the eradication of religious persecution calls for wisdom, patience, and cross-cultural collaboration. But that alone is not enough. For any captives of an Enlightenment worldview that only embrace a closed universe devoid of Ultimate Purpose, it is impossible to understand that to wage a battle against religious persecution is to enter a different sphere: spiritual warfare where one is not wrestling against flesh and blood, but against principalities and powers, in the words of St. Paul. Therefore, how best can we accomplish the stated goal of the legislative framework before us? How best can we avoid simplistic solutions, unilateral actions, and a vacuous pragmatism that could be interpreted as an arrogance that perpetrators of persecution repay with resistance and more conflict instead of the hoped-for outcome of the reduction and eradication of such activity?

Influencing Change

To build on strengths already present in S.1868 and further craft a highly effective instrument for achieving the intended aims of the bill, I recommend several considerations:

1. Build into the mechanism the mandate for the assigned person/group in the State Department to engage in multilateral dialogue with religious and political leaders in all the appropriate nations that can produce collaborative insights needed for recommendations to the President. In the light of a long history of persecution,

appropriate and judicious delays due to multilateral engagements will not endanger an over-all game plan of intentionality in dealing with this issue. It could even allow and encourage the use of focused diplomacy that just might provide a breakthrough short of more drastic action.

2. Sources identified for garnering information on religious persecution must be chosen with utmost care. Cross-referencing of sources and data is important so as to reduce the potential for reports being crafted from either incomplete or biased data. Furthermore, gathering data must be done in such a way so as not to jeopardize the presence and work of expatriate mission groups and missionaries. From my own experience in Indonesia, during the buildup to the coup attempt we expatriates were viewed as CIA agents. Such connections in the minds of local people undermine the very honest work one is there to do. Information gathering and reporting on religious persecution must be done in a way that protects it from being suspect as a tool of the intelligence service.

In highly volatile areas such as Indonesia, China, the Middle East, to mention a few, examples of reporting through the emotional lenses of the source may produce slants that should be measured against other reports that may or may not have their own slants. The bill can require the Commission or whatever appropriate entity at State to carefully design reporting processes that include the emphases mentioned above.

3. As regarding any possible sanctions, the bill must include steps that guarantee the United States, in collaboration with all appropriate parties, will not take any action that would produce unintended consequences for the very victims we are trying to help. Sanctions and discontinuance of aid, especially if done unilaterally, well may evoke a reaction from authoritarian regimes that are aimed at the persecuted. Christians, and/or any other persecuted religious groups, could bear the brunt of the anger of totalitarians or terrorists who react to what they perceive and experience as arrogance on the part of a lone ranger super power. In fact, the whole issue of sanctions should be an absolute last ditch approach, if used at all. The President should call for findings that prove sanctions would be useful and serve their purposes, while not hurting the people we most want to help. It seems to me it would greatly strengthen the President's hand, and give him or her much greater flexibility in dealing with those nations engaged in continuing patterns of gross violation of religious and human rights if most of the work was done in State, within any new Commission, and/or any other appropriate apparatus until the need arises for the United States to prove its will and commitment through Presidential action.

4. Given that religious persecution in some form is happening in so many nations, the bill must be careful not to paint all of them alike with broad brush strokes. Not all persecution is state sponsored or endorsed. Not all persecution is carried out by groups while a regime either looks on approvingly, or turns its head. Sadly, some persecution is Christian against Christian, e.g., Hutus and Tutsis in Rwanda. Mechanisms to provide case-by-case analysis should be built in so as to deal most appropriately with each situation.

Conclusion

I am encouraged by the will of this Congress to lift to high visibility the reality of severe and gross persecution of Christians and persons of other religions at the hands of their perpetrators. I encourage all of you to take a strong stand through the forging of legislation that is worthy of being related to the same cause that calls for commitment unto death from believers who understand the cost attached to their faith. As much as lieth within you, guard this effort from any appearance of politicization. Martyrs deserve better.

PREPARED STATEMENT OF SENATOR ROD GRAMS

Mr. Chairman, thank you for holding this hearing today which will allow us to hear testimony from religious leaders on the Nickles "International Religious Freedom Act." I believe this bill is more reasonable than the Wolf-Specter bill, but I still have serious concerns, and hop we can work to achieve some needed improvements.

I am concerned about human rights abuses of all kinds, including religious persecution, and believe we should seek ways to address these types of injustices. But I strongly believe legislation that imposes sanctions or threatens sanctions, especially unilaterally, is counterproductive. Such legislation could lead to harm of believers in other countries. I believe this legislation could do that, and so do many religious leaders in this country and others who have served as missionaries abroad. They have accomplished so much to bring more religious freedom to the world. So

much more progress is needed, but should we be the ones to tell them how to accomplish that? Think they are wise, and many of them object to this government-as-dictator approach that many other countries, I believe, will see as U.S. efforts to force out values and religious beliefs on them. I also believe efforts to force progress through sanctions are counterproductive. Persecution will not stop. Again, believers could be placed in harm's way. The affected country will turn to other nations which have not sanctioned them. So not only have we not accomplished our purpose, but we have harmed U.S. economic interests as well.

I have been blamed for looking at this solely for the impact this legislation would have on trade. That is my secondary concern. My chief concern, and one that has repeatedly been brought to my attention by many religious leaders, is how effective would list legislation be. Would it work, would it help us combat religious persecution and promote religious freedom. Quiet diplomacy will do that. So will the work of those here before us today. So will the efforts of those who have been reached abroad by religious leaders of all faiths. As I often say, the most productive changes come from inside a country, from an awakened people, not from outside demands.

I was also struck by a comment by one of the drafters of this legislation that there will be few, if any, "gross violators" subject to sanction. If so, why are we even considering this legislation? Would it appear we are doing something, when, in fact, our goals would not be accomplished.

Mr. Chairman, while I thank all of the witnesses for appearing here today. I had many requests from religious leaders who sought to testify, but I understand how limited our time is. I would just like to mention a few of them who are not here, and some of their comments: The Rev. Dr. Albert Pennybacker of the National Council of Churches has spent a lot of time looking at the issue of religious persecution and broadly criticizes the Nickles bill. Bishop Sammy Azariah, Church of Pakistan, indicates this bill will "definitely be misread in other lands of the world." Dr. Amien Rais, Chairman of Muhammadiyah, Indonesia, a Muslim, said "it is very important for us to distinguish between morality of rhetoric and morality of results," inferring the legislation does not work. Dr. Clifton Kirkpatrick, Clerk of the Presbyterian Church, says that this debate is more about politics than helping those committed to their faith. Dr. Marian McClure, Director, Worldwide Ministries Division of the Presbyterian Church says, "in some contexts Christian churches exist and thrive only to the extent that they are able to disassociate themselves from western power." In fact, that is why many missionaries indicate they oppose legislation but prefer not to testify. The American Family Association Network of Georgia says "monitoring religious is not a constitutional function of the Federal Government ... this bill increases the size and scope of the Federal Government." This group prefers an oversight committee in Congress on religious persecution.

According to the New York Times, a Coptic Christian minority member of the Egyptian people's Assembly was quoted as saying, "Those who are trying to incite foreigners to interfere in Egypt's internal affairs, are, in fact, stabbing Copts in the heart." Oliver Thomas of the National Council of the Churches of Christ submits a statement urging that these human rights abuses are best countered multilaterally. Rev. Dr. David Hirano of the United Church Board for World Ministries believes unilateral sanctions will not work. He wisely reminds us the Bible opposes fighting persecution with persecution. Rev. Dr. Riad Jarjour, Rev. Jane Dempsey Douglass, Rev. Randolph Nugent, Rev. Dr. Hertsfeld, and Bishop Andrew McKerrick are all well-known church leaders critical of this legislation. Ask that statement of some of these leaders be included in the hearing record, Mr. Chairman.

I would like to work with you, Mr. Chairman, and Senators Nickles and Lieberman, to further improve this legislation. Such as, the list of countries should be classified, for one thing. There should be more flexibility in the determination of sanctions and more effort placed on a multilateral approach. The waiver authority also needs to be broadened, and the congressional disapproval authority narrowed. If we must pass legislation in this area, these are essential changes that will win more support as well as protect believers in countries labeled gross violators. I intend to pursue these changes both in committee and on the Floor of the Senate.

Thank you, again, Mr. Chairman, for holding this hearing. I look forward to the testimony here today. I agree with one of our witnesses who said, "silence is not an option." But I also believe if we pass any legislation we would have confidence it will accomplish our goals. But as the Hypocratic oath says: "First, do no harm."

I say that in reference to those who might endure more religious persecution because of our actions.

Additional Material Submitted to the Committee for the Hearing Record

LETTER TO HON. TRENT LOTT, MAJORITY LEADER, U.S. SENATE

JUNE 16, 1998

THE HON. TRENT LOTT
United States Senate
Washington, DC 20510

DEAR SENATOR LOTT: We are greatly encouraged by the recent actions in Congress that demonstrate a growing concern with the matter of international religious persecution. We were especially heartened by the overwhelming House vote in favor of Representative Frank Wolf's Freedom from Religious Persecution Act (H.R. 2431).

We are concerned, however, that the Senate may not make an equally serious effort to pass legislation addressing this issue. We are particularly disturbed by the role of wealthy corporate interests in attempting to prevent these human rights issues from being addressed by Congress. Are our leaders willing to play hardball with China on Hollywood's pirated CD's and video tapes, but not with governments involved in persecuting people of faith? What a travesty if we as a nation subordinate our historic stand for freedom and human rights to the pursuit of profits.

As you know, Senator Don Nickles has introduced companion legislation in the Senate to deal with this urgent issue. We applaud him and his leadership and we urge that you use every means available to bring legislation before the Senate for the earliest possible consideration. We strongly encourage the Senate to enact similar legislation that embodies the principles represented in the Freedom from Religious Persecution Act:

- Provides for independent and objective fact-finding about religious persecution.
- Requires clearly specified and appropriate action against persecuting regimes.
- Makes the President accountable to Congress and the American people for the actions he takes in this regard.

Failure to pass a law that contains these limited principles would cause great disillusionment to persecuted religious believers around the world. We cannot be silent while people of faith continue to endure imprisonment, torture, slavery, and murder. Not to act and act quickly would be a shocking betrayal of America's historic role in the world as the great defender of human rights.

On behalf of persecuted believers around the world, we urge you to work expeditiously for the passage of legislation that maintains the American tradition of defending freedom and basic human rights.

Sincerely,

James C. Dobson,
Focus on the Family
Chuck Colson
Prison Fellowship

Gary L. Bauer,
Family Research Council
Randy Tate,
Christian Coalition

cc: Senator Don Nickles, Senator Jesse Helms, Senator Tim Hutchinson

MATERIAL SUBMITTED BY THE ANTI-DEFAMATION LEAGUE

ANTI-DEFAMATION LEAGUE,
NEW YORK, NY 10017.

ADL WELCOMES INTERNATIONAL RELIGIOUS FREEDOM ACT

New York, NY, June 17, 1998 ... The Anti-Defamation League (ADL) today welcomed the introduction of the International Religious Freedom Act (S. 1868) being considered in hearings before the Senate Foreign Relations Committee today. The Act would create a framework to promote religious freedom internationally and sanction nations engaging in brutal forms of religious persecution. The comprehensive system of reporting and training of US personnel complements a similar House-passed measure sponsored by Frank Wolf (R-VA).

In a letter to bill's lead sponsors Sens. Don Nickles (R-OK) and Joseph Lieberman (D-CT), Howard P. Berkowitz, ADL National Chairman and Abraham H. Foxman, ADL National Director, said the Act would "strengthen our nation's hand against oppression and lend hope to millions of religious believers."

As the Foreign Relations Committee markup of the bill approaches, the League is working with sponsors on refinements that would further enhance its effectiveness. In light of concern that the measure might sanction an overly broad group of nations, the League recommended that the bill clearly distinguish between the broad standard by which the US should monitor and engage in diplomatic efforts to promote religious freedom and the standard used to target sanctions against the most oppressive regimes.

Messrs. Berkowitz and Foxman noted "As a community that has experienced horrific persecution, we have seen first hand the consequences of silence and inaction and have benefited from America's engagement and moral leadership."

The Anti-Defamation League, founded in 1913, is the world's leading organization fighting anti-Semitism through programs and services that counteract hatred, prejudice and bigotry.

MATERIAL SUBMITTED BY THE OFFICE FOR CHURCH IN SOCIETY—UNITED CHURCH OF CHRIST

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
May 5, 1998.

Dear Member of Congress:

Increasingly it appears that the overseas consequences of religious persecution legislation may have been misunderstood. Its impact may well be to further empower religious extremists. I write to alert you to this possibility as you weigh your decision on this well-intended legislation.

This past week we invited religious leaders from several areas of the world to come to the United States to describe conditions in their countries: Pakistan, Russia, Indonesia, the Middle East and Africa. A list briefly identifying our distinguished guests is attached.

Many of you and many congressional staff members responded to our invitation to meet with them. Many could not. Let me summarize the recurring themes in their reports.

First, each overseas guest indicated that U.S. intervention in the internal life of their countries as a self-appointed monitor of religious persecution would be strongly questioned and could be broadly resented. It would have negative impact on other aspects of international relationships. Most importantly our guests felt that except in extreme cases, a sanctions-based approach would hurt the very people it is intended to help.

Second, such U.S. intervention will have little capacity to check or alleviate whatever religious tensions exist or whatever religious persecution may occur: such acts tend to be non-governmental, actively opposed by governmental leadership, often precipitated by fundamentalist elements and best resolved by those who live in the setting or country where there are such occurrences.

Third, what is reported as religious persecution is often understood locally as something quite different.

In Sudan, civil war and racial hostility play a far larger role in what are acknowledged to be tragic abuses of human life including physical maiming and even assassination and murder. U.S. sanctions invite alternative suppliers; only multilateral sanctions have the capacity to be effective. Also, such actions block aid from U.S. churches.

In Pakistan where a Christian was condemned for execution, it was broadly recognized that he was mentally unstable and his sentence was stayed while extradition was arranged through the Christian community there. Incidentally, the USA refused to accept him; Germany did, through church connections.

In Indonesia the extensive burnings of churches has a fundamentalist history related to economic and political tensions. However, local Muslims have regretted the burnings and in the vast majority of instances have assisted the Christian community in rebuilding, a fact hardly ever reported. Further, U.S. intervention will tend to fracture the Muslim/Christian cooperation that is developing.

In Russia the fundamentalist factor is actively present on both sides of some conflicts, and it occurs between Christians. Even the questionable new law on religion when placed in the context of Russia's long-term religious history has at least the positive value of giving official standing to a plurality of religious groups. Numerous such groups are now recognized and there is broad agreement that the most egregious aspects of the law will need both tempered administration and future change. It is important to recall that for 900 years Russia had only one recognized religion

(Orthodox Christianity) and for most of the last 100 years was officially atheist. Religious openness is a new experience in Russia and has existed now for only seven years.

Without recounting all of the descriptions given by our guests, it is clear that they presented a far different picture of religious persecution than we have seen thus far. The recent report from the three clergy officially traveling in China reflects a similar condition in that country. Our overseas guests affirmed that local religious leaders and government officials are in most instances addressing local situations. Further they underscored that where U.S. sanctions in any form or even governmental reprimands are called for, only multilateral efforts will succeed.

It was clear that energy for the religious persecution legislation is not coming from religious communities overseas. This opens the possibility that victims of religious persecution when it does occur may find themselves caught up in a cause more than being listened to or actually helped.

Several Members of Congress questioned our overseas guests directly as to whether religious communities in their countries were requesting this legislation. None were.

As to what the United States could do to further religious liberty, each guest spoke appreciatively of the U.S. commitment to religious liberty. Then they asked that their religious liberty be respected and allowed to grow indigenously without U.S. intervention. They spoke instead of the need for U.S. help to build up opportunities for the poor and the disadvantaged as a way to dispel hostilities between religious groups. They suggested attention to the need for good health care, education, economic development and job opportunities. These would encourage religious liberty for all people and reduce the possibility of group conflicts and human abuse. They indicated that the need is for a positive response, not a punitive one.

Additionally, I have included a statement from Dr. Youssef Boutros-Ghali, Egyptian Minister of Economy and a member of a distinguished and respected Coptic Christian family. He spoke at a briefing held here at our invitation a few weeks ago while Congress was in recess. I think you will find his comments very helpful.

Also, a brief set of statements made here by our guests is included. You may wish to review their own words.

Our providing the opportunity for religious leaders from overseas to be heard here is meant to be a contribution to your thoughtful consideration of the proposed legislation. Their voices have not previously been heard. We would have invited such religious leaders earlier had we been included in providing public testimony. Perhaps even now their views will be useful.

Please feel welcome to contact me at the National Council's Washington Office if you wish to pursue this issue further or if I can be of help in any other way.

Cordially,

(REV. DR.) ALBERT M. PENNYBACKER,
Associate General Secretary for Public Policy.

cc: Rev. Dr. Joan Brown Campbell, NCCC General Secretary

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA
JUNE 10, 1998
Washington, DC 20002

DEAR SENATOR: On behalf of the National Council of Churches of Christ in the U.S.A., I want to share our views of the religious persecution legislation before Congress.

Specifically, we are concerned that the International Religious Freedom Act (Nickles-Mack) be adjusted modestly to make it a more palatable and religiously sensitive bill. Our interest is in amending it to provide for "findings" of potential effectiveness prior to any sanctions and defining persecution more precisely.

Our hope is that legislation can be considered that the major Protestant and Orthodox communities, including the African American Churches, can support. The full listing of the church bodies in the national Council of Churches is attached.

Thank you for giving this your attention.

Cordially,

(REV. DR.) ALBERT M. PENNYBACKER,
Associate General Secretary for Public Policy.

Member Communion of the National Council of the Churches of Christ in the U.S.A.

African-American Protestant Churches:

African Methodist Episcopal Church
African Methodist Episcopal Zion Church
Christian Methodist Episcopal Church
National Baptist Convention of America
National Baptist Convention, USA
National Missionary Baptist Convention of America
Progressive National Baptist Convention

Historic Peace Churches:

Church of the Brethren
Friends United Meeting
Philadelphia Yearly Meeting of the Religious Society of Friends

Orthodox Churches:

Antiochian Orthodox Christian Archdiocese of North America
Armenian Church of America
Coptic Orthodox Church in North America
Greek Orthodox Archdiocese of North & South America
Orthodox Church in America
Patriarchal Parishes of the Russian Orthodox Church in the USA
Serbian Orthodox Church in the USA and Canada
Syrian Orthodox Church of Antioch
Ukrainian Orthodox Church in America

Protestant Churches:

American Baptist Churches in the USA
Christian Church (Disciples of Christ)
Episcopal Church
Evangelical Lutheran Church in America
Hungarian Reformed Church in America
International Council of Community Churches
Korean Presbyterian Church in America
Moravian Church in America, Northern & Southern Provinces
Presbyterian Church (USA)
Reformed Church in America
Swedenborgian Church
United Church of Christ
United Methodist Church

Churches of Other Traditions:

Mar Thoma Church, Diocese of North America and Europe
Polish National Catholic Church of America

Attachments

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA,
June 2, 1998.

STATEMENT ON PROPOSED FEDERAL LEGISLATION ADDRESSING RELIGIOUS
PERSECUTION

Religious persecution is a scourge that has afflicted humankind for most of its history. With varying degrees of intensity, persons of faith have been subjected to discrimination, imprisonment and, in some cases, torture and death. In religious terms, where the powers of the world claim for themselves what is finally God's sovereignty, believers are unavoidably in jeopardy.

At the close of the bloodiest century in history, it is fitting that Congress would turn its attention toward the goal of reducing, if not eliminating, this most fundamental violation of human rights.

Legislation has now been introduced in both chambers of Congress (and passed by the House) that is intended to alleviate the suffering of persons around the globe who wish to exercise their God-given right to worship as they see fit. Representatives Frank Wolf, Ben Gilman, Christopher Smith and Lee Hamilton as well as Senators Arlin Specter, Don Nickles, Joseph Lieberman and Connie Mack are to be

commended for their roles in guiding this legislative effort. Religious groups, such as the National Association of Evangelicals, also deserve credit for placing the issue of religious persecution at the top of the nation's moral agenda.

The National Council of the Churches in the U.S.A. (NCCU) has worked to ensure that any proposed legislation has the intended result of actually reducing the incidence of religious persecution as well as improving the lot of those who are the victims. Many of the concerns raised by the NCCC have been addressed, but questions remain. We hope these questions will continue to be explored honestly and openly as our government seeks to craft an appropriate response to this pressing international concern. In particular, we hope to ensure that the faith communities most affected by the proposed legislation have an opportunity to be heard. To that end, we are in communication with our overseas partners and missionary leaders and are making them accessible to members of Congress and to the press.

After much thought, prayer and deliberation, we offer the following suggestions to those desiring to pass legislation that addresses religious persecution:

1. Violations of human rights abroad are best addressed through multilateral efforts. A unilateral response is often ineffective and counter-productive. Further, unilateral action may destroy America's ability to participate in development efforts that improve lift for the poor and alleviate the conditions that give rise to various human rights abuses including religious persecution.

Comment: One of the biggest weaknesses of both the House and Senate bills is the failure to provide real support and encouragement for multilateral efforts. Unfortunately, the opportunity to amend the House bill has been lost, but modest changes in the Senate bill could help to ensure that it will have the intended effect of actually reducing religious persecution. First, Section 401 or 403 of the "International Religious Freedom Act" (IRFA) could be amended to require the Secretary of State to seek multilateral support before unilateral sanctions are imposed. Another possibility is to provide additional funds to the United Nations earmarked for international tribunals that could hear charges of religious persecution. Finally, the 30 day delay before the imposition of sanctions under Section 409 could be extended in order to allow for diplomacy as well as for multilateral efforts.

2. Appropriate training for government personnel as well as more thorough investigation and reporting is likely to reduce the incidence of religious persecution.

Comment: These sections of both the House and Senate bills are adequate.

3. Sanctions should be a matter of thoughtful last resort, not automatic first resort. As indicated above, multilateral participation in invoking of sanctions is the desirable strategy.

Comment: Obviously, the House bill is flawed in this regard. The Senate bill, on the other hand, has more flexibility. However, to ensure that IRFA meets its intended goal, Section 401 should be amended in two ways. First, the Secretary of State should be required to review the Commission on International Religious Persecution's recommendations before they are passed on to the President. This may be intended by the sponsors, but it is unclear from the text of the bill. Second, and more importantly, the President should be required to make a finding that any sanctions recommended by the Commission are likely to help rather than hinder the plight of the victims before any sanctions are imposed. This decision could be subject, to congressional review under Section 409 as with other decisions of the President under Title IV of the bill.

4. Care should be exercised so that traditions and cultures of other nations are respected. Although we cherish and affirm the principles of the First Amendment as the best mechanism for protecting religious liberty, we recognize that they are rooted in western philosophical, political and religious thought. We should not seek to impose the American arrangement on others. This includes respecting the traditions of established religions and churches common to European as well as Islamic nations. America's response to religious persecution must not be perceived as "anti-Islamic."

Comment: Section 3 of IRFA should be modified in accordance with suggestions by the State Department to ensure that the bill will not sweep into its reach every nation that has an established religion or that practices some form of discrimination. Casting the net too widely is likely to strain relations with numerous nations at different places on the religious freedom spectrum and could actually reduce religious freedom as well as diminish opportunities for missions organizations headquartered in the United States.

5. Steps should be taken to ensure that the issue of religious freedom is not further politicized. Making the State Department rather than the White House the locus of

our overseas efforts is one means of encouraging this. Annual showdowns between the President and the Congress over appropriate responses to the actions of a particular nation should be avoided. Disagreements over responsive action should not become the basis for partisan wrangling. Meaningful review by the Secretary of State should be part of any effective strategy for combating religious persecution.

Comment: Decisions to move the locus of persecution monitoring from the White House to the State Department helped to “de-politicize” proposed federal legislation. The issuance of a separate, annual report on religious persecution (Section 6 of the “Freedom From Religious Persecution Act” and Section 102(b) of the “International Religious-Freedom Act” may, however, serve to politicize the issue in a manner that actually harms overseas faith communities as Democrats and Republicans seek to use the annual event for domestic political gain. The suggestion simply to fold the religious persecution report into existing human rights reports should be considered.

By subjecting any proposed legislation to these five principles, members of Congress can help to ensure it will have the intended result and that it will enjoy the support of the broad spectrum of America’s faith communities.

Thank you for your consideration.

EXCERPTS FROM THE NATIONAL COUNCIL OF CHURCHES’ PRESS CONFERENCE WITH
INTERNATIONAL RELIGIOUS LEADERS

TUESDAY, APRIL 28, 1998

Key Statements Concerning Religious Persecution Legislation:

“It has been a deep concern to us that often the debate has tended to deal much more with American politics or even American religious issues than the opportunity to hear firsthand from friends and colleagues who have really tested their own life and the firm commitment to their faith, at times against great odds, and out of a deep commitment for the well-being of the church and other faith communities”

—Dr. Clifton Kirkpatrick, Clerk of the Presbyterian Church

“I believe if it is viewed from the morality of rhetoric that bill is very inspiring, very gladdening. But I am very doubtful whether it is easy to implement and whether the result of the implementation is as good as expected by those gentlemen, the Congress members, who initiated this bill.”

—Dr. Amien Rais, Chairman on Muhamadiyah, a Muslim community of 28 million Indonesians

“Our consideration is that bill—if the bill will be approved, then it will jeopardize the relationship between the Christians and Islam in Indonesia.”

—The Rev. Dr. Joseph Pattiasina, General Secretary of the Communion of Churches in Indonesia

“The good intention of the American people to make sure that everybody in the world can enjoy religious freedom, religious liberty, may, at the end, produce more suffering for the people. And that is why we would like to appeal for that part of the legislation, that it be restudied again.”

—The Rev. Dr. Soritna Nababan, Batak Protestant Christian Church Central Council Member

“And I would like to emphasize the last point, that we call for a logic of empowerment of the victims, for a strategy of prevention through consciousness-raising dialogue and inter-religious cooperation, which, in my opinion, is more effective.”

—Dr. Riad Jarjour, General Secretary, Middle East Council of Churches

“However, the bill in question, though may have very good intentions in this city, will definitely be misread in other lands of the world.”

—Bishop Sammy Azariab, Moderator, Church of Pakistan.

Rev. Dr. Albert Pennybacker, Associate General Secretary, National Council of Churches (Dr. Pennybacker is responsible for policy in the Washington Office of the National Council of churches.):

First, I want to say a word about the concerns of the National Council in this whole discussion about religious persecution. We have invited our guests today because we have been deeply concerned about the issue of religious persecution so concerned that we want the Congress and the American people informed about how this affects those who live in countries where religious persecution has been alleged. [...]

[B]efore they speak, we are particularly pleased to have the stated Clerk of the Presbyterian Church in the USA, its senior executive officer, my friend of many years, Dr. Clifton Kirkpatrick, join us. And you should know that prior to his current assignment of executive leadership for the Church, he chaired the Global Mission Ministries of the Presbyterian Church in the USA, and is deeply informed about and deeply concerned about the issue of religious freedom and religious persecution. And I want to invite Dr. Kirkpatrick to come and make a brief statement to us.

Dr. Clifton Kirkpatrick, Clerk of the Presbyterian Church. (Dr. Kirkpatrick is the senior executive officer of the United States Presbyterian Church. Prior to his current assignment he chaired the Global Mission Ministries of the Presbyterian Church in the USA):

As Al shared with you, I am currently the stated Clerk in the Presbyterian Church, but I had the wonderful privilege, for 15 years, of directing our Church's work in partnership with Christians around the world. And I need to tell you that the issue of religious persecution is therefore not an academic issue for me, but a very personal one, in that I have had the occasion over and over again to know friends and colleagues who have literally suffered for the cause of their faith, and am deeply concerned about this matter.

We, as a part of the National Council of Churches, and as the Presbyterian Church share a deep concern for religious persecution and its ending in a context that affirms that human rights are God-given rights for all people. The concern we have as we come to this is not over the issue of whether there needs to be response to religious persecution, but a commitment that that response needs to be done with the utmost sensitivity.

It has been my experience over the years that there were many times in which there was human suffering around the world because our government did not stand firm for human rights. But there are also other occasions in which had there been automatic sanctions and the like, we might well have increased the persecution against the very people we were concerned about.

And so the concern we come with is that the U.S. Government, as it does move forward in a process of responding to concerns of religious persecution, do that in a context of support for universal human rights, do that with the kind of flexibility that does not, if you would, throw the baby out with the bath water, of offering and imposing solutions that might create deeper problems, do that in a multinational context, with others around the world. But, most of all, design whatever legislation might be designed in consultation with those who are the leaders of the churches and of other faith communities around the world that are indeed dealing with the front lines of these issues.

It has been a deep concern to us that often the debate has tended to deal much more with American politics or even American religious issues than the opportunity to hear firsthand from friends and colleagues who have really tested their own life and the firm commitment to their faith, at times against great odds, and out of a deep commitment for the well-being of the church and other faith communities.

Dr. Amien Rais, Chairman of Muhamadiyah. Muslim. Indonesia. (Dr. Rais leads Muhamadiyah, a nation-wide Muslim community of 25 million Indonesians. He is a respected university professor and intellectual leader in Indonesia. He has become a strong advocate for religious liberty in a nation that has the largest Muslim population in the world.):

I have [a] position concerning the Wolf-Specter bill. Let me quote Mr. Demetri Simes when discussing what the pluses and minuses of the Vietnam War. He said the other day that it is very important for us to distinguish between morality of rhetoric and morality of results. I believe if it is viewed from the morality of rhetoric that bill is very inspiring, very gladdening. But I am very doubtful whether it is easy to implement and whether the result of the implementation is as good as expected by those gentlemen, the Congress members, who initiated this bill.

The reason why I quoted the distinction between morality of results and morality of rhetoric, I believe that when it is implemented, suppose the bill is approved and then implemented by the administration, what will take place in developing countries is even more tension. I am afraid that my Christian brothers and sisters in

Indonesia will be put into the corner, you know, because maybe in the minds of the Indonesia people, who are not very well educated—and of course the mass is always more emotional, you know—maybe they will accuse the Christian brothers and sisters as having responsibility in the creation of the bill.

And I also believe that when implementation—when the time of implementation comes, it is very difficult for Washington to deal with any human rights violation, as mentioned in the bill. I can imagine that the United States, as a superpower, still has limitations in terms of military, in terms of economy, in terms of, you know, concrete measures which are going to be taken. So this thing, I think, must be brought into account, and we must consider it more deeply.

The Rev. Dr. Joseph M. Pattaisina, Christian. Indonesia. (Dr. Pattaisina is the General Secretary of the Communion of Churches in Indonesia. Prior to assuming this ecumenical post he was a local and regional leader in his church. He is highly regarded as an effective voice for the Christian community in a predominately Muslim nation):

I am the General Secretary of the Communion of Churches in Indonesia. As you know, the largest population of Islam in the world is in Indonesia. But we are not the Islamic state. And our Constitution, in 1945, stated very clear that we have the freedom of religion in Indonesia. So based on this, we would like to express our opinion concerning the act, persecution acts, that will be approved by the Congress.

Our consideration is that bill—if the bill will be approved, then it will jeopardize the relationship between the Christians and Islam in Indonesia. Because Islam is 87.5 percent from the 202 million, and the Protestant ... 6.5 percent, and ... Catholics ... 3.5 percent.

[...]

So the relationship is based on the Islam and Christians. Although we face the problem about the burning and destroying ... [of churches] since 1967 ... until February of this year, about 400 churches [have] been burned and destroyed, but we see that the burning of the churches and destroying of the churches is not based on the conflict of Islam and Christian in Indonesia, but based on the political problem that is facing the gap between the rich and the poor.

[...]

[W]e insist the government [pay] serious attention, especially [that those] who burn the churches and destroy the churches ... be brought to the court and be sentenced.

[...]

So we believe that this bill that will be passed by the Congress is not helpful for us. ... Christians [are] part of the whole nation of Indonesia. ... [W]e have the responsibility ... to keep the relationship between Islam and Christian in dealing as one nation.

The Rev. Dr. Soritua A. E. Nababan, Christian. Indonesia. (Dr. Nababan, of the Batak Protestant Christian Church (Lutheran heritage), is a member of his church's Central Council. He is both a pastor and a past General Secretary of the Communion of Churches in Indonesia. For years he was an active youth minister and leader. Currently, he also serves as the Vice Moderator of the Central Committee of the World Council of Churches.):

I would like to express my appreciation to the American people, through Congress, that took initiative to introduce legislation to make sure that religious liberty everywhere will be safeguarded and that religious persecution anywhere should be given up. I do sincerely mean it.

The problem comes when it is somehow related to the political and economic interests of the American people, and also with sanctions. That the sanctions affect many countries around the world. The good intention of the American people to make sure that everybody in the world can enjoy religious freedom, religious liberty, may, at the end, produce more suffering for the people. And that is why we would like to appeal for that part of the legislation, that it be restudied again.

The Rev. Dr. Riad Jarjour, General Secretary, Middle East Council of Churches. Christian. Middle East. (A Presbyterian, Dr. Jarjour heads an ecumenical community of Christian bodies throughout the Middle East, including the Roman Catholic Church. A native of Syria, he currently lives in Beirut.):

I come from the Middle East, which is the cradle of the three monotheistic religions, and where religions have started for thousands of years and we still witness that revival of religion in that region. What I have for you is some points concerning religious persecution.

The U.S. campaign, the proposed legislation and the finger pointing to countries and communities, is frequently depicted as a crusade. And, more often than not, we activate historical memories, with their many unhealed wounds.

We have strong reasons, as the Middle East Council of Churches and as a group of Christian and Muslims who work together, to fear that it is increasingly provoking general distrust between Christians and Muslims, Arabs and Americans, as well. We have equally strong reasons to express our anxiety in seeing the crusade impact negatively on Christian-Muslim relations in many countries, and especially in the Middle East and Asia, notwithstanding all efforts in those countries that uphold core citizenship and common national identity between people of different faiths.

It would be naive to overlook the serious risks of a recurring Muslim perception of the Christians as aliens at home, local extensions of Christendom, minorities protected and used by the West in line with the old pattern of *divide et impera*, divide and you will dominate.

Many people in the Middle East, including the small minority that are supportive or appreciative of the campaign for religious persecution, argue that the primary dividing force and determined in their condemnation of certain countries are political positions towards certain governments, that de facto hierarchy established between countries and, at times reordered, does not correspond to their comparative records on religious persecution as much as it reflects their consideration of political expediency.

[...]

The notion of religious persecution needs to be sharpened. It is often amalgamated with social discrimination and political marginalization. Understandably, there has been a trend among exiles, self-exiles and migrants from many countries in the South, the Middle East more particularly, to overstate some sort of religious persecution or the fear of it as the most determining factor in their decision to leave their home countries. What is said and upheld in this community of people should not be heard uncritically. The right to enjoy full freedom in carrying out evangelical activities needs to be looked at sensitively. The reference to evangelization evokes a painful history in our part of the world. In some cases, continuing practices that are frequently denounced by Muslims and Oriental Christians, who saw foreign missionary activity in the context of a colonial and hegemonic design. They perceive, and still do, proselytism as being a violation of religious freedom.

I am pressured for time, but I want to say Christians face in many Arab countries and predominantly Muslim countries a number of problems. That is true. Most of which are of a social, economic and political nature. These problems affect Muslims and Christians alike. But they are exacerbated in the case of the latter by their dwindling numbers or the erosion of their influence in public life and their growing anxiety for the future of their children, a great number of Muslims have become increasingly aware that the predicament of Christians going to a global, societal crisis.

Dialogue and cooperation between Muslims and Christians at various levels of shared living needs to be intensified in order to address the problem. Any impediment of such relationship impairs the chances of improving the situation of the Christians. There are situations where Christians are targets of sectarian violence. Yes, there are many of these situations. And also non-Christians, too.

In some other situations, Christians are victims of fanaticism and bigotry. But this is much less a consequence of discriminatory government policies than an expression of social prejudice or political strategies of radical opposition.

Finally, freedom of belief and worship, guaranteed by law in most Arab countries, is not in serious jeopardy. Freedom of conscience and, more particularly, the right of converting from Islam is quite problematic. While most countries do not enforce by law and practice the prescribed capital punishment of apostasy with the conversion from Islam, it is quite often not tolerated socially.

Such intolerance have taken in a number of cases extreme forms of violence. There has been cases where converts from Islam have not only been discriminated against or been harassed, but subjected to legal sanctions on the grounds of disturbance of civil peace, social order or inter-communal harmony. A reexamination of the meaning of apostasy, starting from a conceptual, historical approach, as well as the reaffirmation of the right of belief or disbelief on the basis Koranic injunction of no compulsion in religion, and the tradition of the Prophet Hadis, is on the agenda of Muslim-Muslim and Muslim-Christian agenda. And I would like to emphasize the last point, that we call for a logic of empowerment of the victims, for a strategy of prevention through consciousness-raising dialogue and inter-religious cooperation, which, in my opinion, is more effective.

Bishop Sammy Azariah, Moderator, Church of Pakistan. Christian. Pakistan. (Bishop Azariah, an Anglican, is a respected leader in the Christian community as a whole. As Moderator, he is the senior leader in his church, with both pastoral and public service experience.):

We admire the democratic principles of this land and the concern of this country it is showing towards human rights in other parts of the world. However, the bill in question, though may have very good intentions in this city, will definitely be misread in other lands of the world.

The reason, firstly, being that the bill has an overemphasis towards the Christian community. And this overemphasis would definitely create problems for the minority churches in other lands. It will definitely create obstacles in the process of inter-faith dialogue, which is very, very important to our existence in countries like Pakistan and others.

Persecution of a religious nature or persecution of any nature is not welcome, is not acceptable. But our concern is that the economic and the trade sanctions which are being proposed in this bill cannot be the best way of dealing with situations where there is persecution. Because it will definitely create obstacles for the United States and for other international human rights organizations to be able to get into deep situations of discovering the causes of difficulties in that country or in that land. It will cut off a relation with those countries.

Dr. Anatoly Krasikov, President, Russian Chapter, International Religions Liberty Association of Russia. Christian. Russia. (As a member of the Russian Orthodox Church, a community where many are supportive of the new religious statutes in Russia, Dr. Krasikov is the leader of an interfaith body committed to religious liberty.):

I have never studied English ... [s]o I ask you to be [indulgent] with me when I make errors, mistakes.

The situation, religious situation, in Russia is complicated. That is why, after the adoption of a new law, some important changes were produced in the attitude of the state, respect of religious organizations. [...] In the new law ... [i]t is not possible to give special advantage to one religion or disadvantage to one religion.

[...]

I represent here the International Association for Religious Liberty, our Russian branch. This organization, in our country, was created by all religious organizations together, and the scientists and public persons, and supported by the Orthodox Church, Protestants, Catholics, Jews, Muslims, Buddhists, Catholics—practically all organizations.

[...]

Many organizations finally have supported the law for different reasons. That is why the first part of the law is excellent, the part [that] confirmed the constitutional principle of equality before the law of all organizations. But we must not forget that for 1,000 years our country had no real liberty of religion. For nine centuries we had one religious organization, which was an organization of the state. Then we had a century of atheism of state. And only 7 years of real religious liberty.

And for over 80 years, we had, as you know, a ... dictatorship, Communist dictatorship. [But] with the changes, the people are the same. [T]he mentality of many people is the same.

[...]

That is why we, as an organization, we follow all case of violation of human rights ... And sure, we need your solidarity. Row to express this solidarity is another question.

That is why you know, and I know too, each dictatorship needs to have enemies. [Without] enemies exterior and interior, it is not a dictatorship. So the United States had, I believe, had a very good position during, for example, the Helsinki processes, during the preparation of the Helsinki agreements. And the example of the past, a good example of the past, have to be used by all of us.

I have not the counsel to give to the American, to the United States, up to decide how to express this solidarity. But I would like if we must be together in this important moment of our life.

OFFICE FOR CHURCH IN SOCIETY—UNITED CHURCH OF CHRIST,
WASHINGTON, DC 20002,
May 5, 1998.

DEAR SENATOR: Religious persecution is a serious problem around the world. We are grateful that Congress has called increased attention to this important problem and is seeking effective ways to address it. However, there are certain aspects of the two main religious persecution bills now under consideration by Congress which cause us great concern.

Can the power of the U.S. government be used effectively to address this worldwide problem? Will imposing political and economic sanctions on certain countries do more harm than good for those of various faiths facing severe discrimination and persecution both from their governments and from various social forces the government may lack the political capacity to restrain?

Many of us in the Christian community have been prayerfully reflecting on these issues for some time. Persecution of Christians is not new. Neither is the persecution of many different religious groups. Many of our global partner churches face persecution. Many work with great courage and effectiveness at challenging these forces for themselves and for other religious traditions. We have learned a great deal from our partners about what works and what doesn't.

With the upcoming vote on the Wolf/Specter "Freedom from Religious Persecution Act of 1998" and the emergence of the Nickles/Lieberman "International Religious Freedom Act of 1998," we are gravely concerned that these bills, while well-intentioned, will actually do more harm than good.

Part of our concern is the question of how these bills will be applied. Both Wolf/Specter and Nickles/Lieberman have significant provisions for political input before sanctions could go into effect. Thus, it seems unlikely that sanctions will be applied against close allies. Countries like Saudi Arabia, Israel, and even Germany have been accused of religious persecution. And we indeed believe that governmental persecution of certain religious groups exist in each of these countries. But given the geopolitical realities we doubt very much that they would face sanctions. If serious sanctions are to prove effective, they must be applied by an international body and carried out internationally. Unilateral economic sanctions will not be perceived as fair and will not be effective.

Wolf/Specter began as a bill to fight Christian persecution, and explicitly named Islam as a dangerous force in several nations. This has led to a perception in many Muslim countries that the U.S., perceived as a "Christian Nation," was taking sides against Islam. While Wolf/Specter has now had these very negative ideas amended out of the bill, it or any other bill addressing the issue may continue to be viewed by many nations as an anti-Islam bill.

Wolf/Specter has now become a bill with a very narrow definition of religious persecution, which would apply to only a few countries. Because China is still persecuting some Christians, Buddhists and members of other religious groups who fail to register with the Religious Affairs Bureau, it would almost certainly fit the criteria. Will economic sanctions against China stop religious persecution? Will economic sanctions be helpful to the growing religious communities struggling for a place of dignity and integrity in China today?

In the recent decades Christians in China did face horrible persecution. However, the persecution was most severe when China was most isolated during the Cultural Revolution. We are greatly concerned about the possible plight of our Chinese Christian sisters and brothers in an atmosphere of increased economic and political isolation. Would sanctions imposed on China cause them to stop persecuting people of faith, or simply lead to greater persecution? It is our belief that isolating China will increase, rather than decrease religious persecution in the world's largest country.

While our concern certainly goes beyond persecution of Christians, we have learned a great deal about the changing faces of Christianity in China since we first sent missionaries there in 1830. Since the Chinese Government passed the Religious Law in the early 1990's requiring churches and religious organizations to register with the government, churches which refuse to register (for whatever reason) have technically been in violation of the country's law. To be labeled an unregistered or underground Christian is to be viewed with suspicion by the government. The presence of underground Christians has sometimes reinforced the Chinese governmental notion that Christianity is unpatriotic and foreign, even dangerous to the status quo. Christians in China have had to work hard to be perceived as a legitimate part of Chinese society. Therefore, there is concern that Wolf/Specter will reinforce the connection between Christianity and foreign powers.

Under the best scenarios some forms of persecution might be stopped by Wolf/Specter. But under any scenario, Christians in China would face increased alien-

ation from their society. There are some in this country who would like to increase that alienation, as a strategy for bringing down the Chinese government. The vast majority of the millions of Christians in China, however, do not share this goal. They resent being pawns in a foreign strategy to undermine their government. Having them suspected of this kind of subversion will only increase their persecution and alienation.

The Nickles/Lieberman Senate bill, on the other hand, defines religious persecution quite broadly. Current estimates by the State Department are that it would apply to over 75 countries. Every Muslim country would be on the list. While Wolf/Specter will very likely have disastrous consequences for Christians in China, Nickles/Lieberman may well have disastrous consequences in the Middle East and throughout the Islamic world. In dominantly Muslim countries, Christians fight to be perceived as a legitimate part of that society. Certain radical Muslim forces continue to label Christians as agents of the West.

By using U.S. power to accuse all Muslim countries of religious persecution and hitting them with one or more of 16 different sanctions, radical Muslim forces will be strengthened in their attempts to associate Christianity with the West, even though Christianity has a longer tradition in some of these societies than the faith of their Muslim persecutors. Christian groups and other religious groups will feel that the U.S. is attempting to divide and separate them from the rest of their society. This pattern of invasion and division has been going on for centuries in places like Egypt, and is well understood in the Middle East. This helps explain why the Middle East Council of Churches and other Christian groups in the Middle East are so upset with the dangers in this legislation.

We have heard Foreign Relations Chair Gilman and many others speak of the need to put some "teeth" in U.S. efforts to curb persecution. If putting "teeth" in our efforts would result in less persecution, perhaps they should be considered. But the Bible counsels a different approach, urging that we pray for the persecuted, pray that we ourselves will have courage when faced with persecution, but NEVER urging us to fight persecution with persecution.

Economic and political sanctions are a form of war, diplomatic and economic war. They are designed to hurt people. Think of the Just War criteria that have been developed over the centuries by the church. Are these sanctions really the "last resort?" Are these sanctions really authorized by the proper authority, or would an international body be the more credible and legitimate authority to attempt to judge religious differences and conflicts in an international setting? Will innocent civilian populations be hurt by these instruments of economic war? Do these sanctions have a reasonable chance of success? We urge you to pay more attention to these moral questions.

We greatly appreciate your concern for those who suffer for their faith. We ask that you prayerfully consider what might be done. We hope that you will continue to engage in dialogue with those facing the persecution, to understand the many differing and complex contexts of persecution, before relying on "teeth" or economic sanctions to address this problem.

What can be done? Increasing public awareness of the problem is certainly appropriate. Despite some unfortunate beginnings to this discussion, we are pleased that the real discussion is now taking place. Certainly the President needs to speak out regularly and forcefully on this important issue. Increased training for foreign service personnel is also a positive move, and we are pleased to see these provisions in the legislation. More assistance to refugees fleeing persecution is also extremely helpful. Applying universal standards of conduct and using international forums to address the issue is also needed, and we regret that the legislation has not gone as far as it might in seeking to use international structures.

But will any unilateral economic sanctions work? We do not believe the sanctions in the Wolf/Specter bill will be effective. We are still studying the Nickles/Lieberman bill, with its sixteen levels of sanctions. We firmly oppose economic or trade sanctions for this purpose, but look forward to working with the Senate to examine the consequences of other various sanctions. Cutting non-humanitarian assistance, for example, may well be an appropriate step in certain situations.

We have worked with the National Council of Churches to suggest amendments that will lessen the damage done to our ecumenical partners by these bills and increase the likelihood that effective means to lessen persecution can be developed.

But we remain extremely skeptical that any approach relying on unilateral sanctions will have the consequences people of good will intend.

Sincerely yours,

The Rev. Dr. David Hirano,
Executive Vice President,
United Church Board for
World Ministries.

The Rev. Dr. Ryan Kuroiwa,
Executive Director,
UCC Office for Church in Society.

MATERIAL SUBMITTED BY THE SOUTHERN BAPTIST CONVENTION

SOUTHERN BAPTIST CONVENTION,
WASHINGTON, DC 20002-4916,
June 17, 1998.

SBC'S LAND SUPPORTS ANTI-PERSECUTION LEGISLATION

Southern Baptist ethics agency head Dr. Richard Land testified before the United States Senate Foreign Relations Committee June 17 in support of legislation addressing worldwide religious persecution. "We believe strong and effective legislation is necessary to rectify the current situation regarding the U. S. government and the widespread persecution of Christians and others of faith around the world," he said.

Land is the president of the Ethics and Religious Liberty Commission of the Southern Baptist Convention. The commission is the ethics, religious liberty and public policy agency of the 15.9 million member denomination, comprised of 40,000 churches nationwide. Land is a graduate of Princeton University, the New Orleans Baptist Theological Seminary and Oxford University (D. Phil). He also hosts a daily radio program, "For Faith and Family," which airs on 196 stations across the country and in Canada.

The Southern Baptist Convention has passed overwhelmingly three separate resolutions on this issue at its 1995, 1996 and 1997 annual conventions, Land said. The 1995 resolution expresses "support for all peoples suffering denial of religious liberty, but especially for those who are of the household of faith, and even more particularly for those who share Baptist convictions and commitments." The 1997 resolution states "as Southern Baptists we believe that all people should have the God-given freedom to form and hold opinions and religious beliefs and propagate them without interference from or coercion by any government, religion, or person."

Southern Baptists, who have one of the largest international mission organizations in the world with more than 5,000 missionaries serving in over 130 countries, share "grave concerns over the persecution of Christians in other countries" with Episcopalians, Evangelicals, and Roman Catholics. "(A) critical mass has been reached. I believe we are witnessing the mere beginnings of a broad-based movement which will insist with increasing intensity that the government of the United States of America take serious and important steps to use its influence to insist that the offending foreign governments stop these atrocities," said Land.

"The issue has not occupied a significant place in American foreign policy. It has not even been on the State Department's radar screen. That must change," he said. "We believe strong and effective legislation is necessary to rectify the current situation." Land urged legislation which provides to the greatest extent possible: Objective independent fact-finding through a Senate confirmed ambassador/director and commission; accountability from the executive branch of government, including reasonable Presidential waivers of mandatory sanctions and public reporting; and effective relief of religious persecution around the world.

"We are not insisting that the U.S. government seek to hold the entire world to the pristine standard of the U.S. Constitution's First Amendment's religious liberty rights and guarantees, as desirable and as beneficial to humankind as we believe that would be. We are insisting that basic human rights be recognized," Land said. "We want a U.S. government human rights policy on religious persecution that is as good and decent as our people, our ideals, and our heritage demand."

The Foreign Relations Committee is considering the International Religious Freedom Act, sponsored by Sen. Don Nickles, R-Okla. The House of Representatives passed the Freedom From Religious Persecution Act, a bill addressing the same issue, May 14 by vote of 375-41.

MATERIAL SUBMITTED BY THE EPISCOPAL CHURCH—OFFICE OF GOVERNMENT
RELATIONS

THE EPISCOPAL CHURCH—OFFICE OF GOVERNMENT RELATIONS
WASHINGTON, DC 20002
June 17, 1998

ANGLICAN BISHOP DETAILS RELIGIOUS PERSECUTION IN PAKISTAN

URGES SENATE PASSAGE OF INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

WASHINGTON—A leading bishop in the largest Christian denomination in Pakistan provided an eyewitness account of religious persecution in that country today and urged Senate passage of the International Religious Freedom Act of 1998.

"I am here because I believe in the cause of religious liberty, in Pakistan and around the world," Bishop Munawar "Mano" Rumalshah testified. "Believe me, it would have been easier to stay at home. But for me, and for many of my Christian brothers and sisters in Pakistan, silence is not an option."

Rumalshah described the state of Islamic law in Pakistan and detailed the murder of a wheelchair-bound convert; a death sentence for a teen charged with blasphemy, and the dilemma of a young woman with two choices—conversion to Islam or death.

His testimony came during a Senate Foreign Relations Committee hearing on bipartisan legislation offered by U.S. Senator Don Nickles (R-Okla.). The bill is designed to help America develop appropriate and consistent responses to violations of religious liberty worldwide.

"I do not believe the United States can remain silent either. You need to hear the cry of the people around the world who suffer for their faith, who are denied the basic right to believe, which you as Americans so naturally take for granted," said Rumalshah. "But the United States' response must not be simplistic. Clearly, there are more choices than just imposing heavy-handed sanctions or doing nothing. Every situation of religious persecution around the world is different and requires a different response to be effective."

The Anglican Rumalshah has served as bishop in Peshawar, Pakistan, since 1994 and ministers to Anglicans, Lutherans, Presbyterians and Methodists.

STATEMENT SUBMITTED BY GERARD F. POWERS ON BEHALF OF THE U.S. CATHOLIC
BISHOPS

We are grateful for the opportunity to submit written testimony on behalf of the U.S. Catholic bishops regarding the International Religious Freedom Act of 1998 (S. 1868). We are also grateful for this committee's efforts, and those of other members of Congress, both to make the American public more aware of religious persecution abroad and to make religious liberty a top foreign policy priority of the United States Government.

Our testimony, which reiterates many of the same concerns raised in our September 10, 1997 testimony before the House International Relations Committee on H.R. 2431, has two parts. First, we will outline our experience of religious persecution as a universal Church present in nearly every corner of the world, while briefly setting forth our understanding of religious liberty as a fundamental human right and a basic American value. Second, we will express our general support for S. 1868, while raising concerns with certain aspects of that legislation and making clear our willingness to work with the sponsors to strengthen the bill.

Today there is new and unprecedented public attention to ongoing violations of religious liberty around the world. This is not, however, a new issue for the U.S. Catholic bishops. From religious persecution in the Soviet bloc and Latin America during the Cold War to China and Sudan today we have worked—sometimes quietly, at other times more publicly—on behalf of those denied their fundamental human right to religious liberty. We have made solidarity visits, issued appeals for the legal protection of religious liberty, protested killings and detentions, and met with dissidents and U.S. and foreign government officials alike to press our concerns.¹

¹ See, e.g., Most Reverend Theodore E. McCarrick, "Religious Freedom Today," March 31, 1997; Most Reverend Theodore E. McCarrick, "Statement on Renewal of MFN for China," May 21, 1997; Most Reverend Daniel P. Reilly, "Statement on Vietnam," September 15, 1994; U.S.

As pastors of a universal Church, the U.S. Catholic bishops are all too familiar with the human face of religious persecution around the world. We mourn the deaths of two outstanding Catholic bishops, both vigorous advocates of human rights, who died in tragic circumstances in Guatemala and Pakistan in recent weeks. We have attended funerals for other bishops, local clergy and missionaries, especially in Central America, who preached the Gospel at their peril. We know priests and bishops in China who have spent years in prison for their faith. We have supported the local Church in Vietnam as it faces intolerable restrictions on its ability to minister to the faithful. We have sought to support church leaders in Burundi who have been attacked for their efforts at reconciliation. Through Catholic Relief Services, the overseas relief and development agency of the U.S. Catholic bishops, we have assisted Bosnian Muslim, Serbian Orthodox and Catholic refugees in Bosnia and Herzegovina and Croatia whose family members were killed and whose churches, mosques and homes were destroyed as a part of ethnic cleansing, while strongly supporting the efforts of a newly-formed Bosnian inter-religious council and other initiatives aimed at reconciliation. During the 1980s we supported the Catholic Church in Poland and elsewhere in Eastern Europe as it sought to remain an independent voice for gospel values and human rights. Today we support the Catholic Church and other minority religions in Russia in the face of recently enacted discriminatory legislation.

Our tradition holds that religious liberty is indivisible, equally applicable to all on the basis of every person's equal dignity as having been formed in the image and likeness of God. Hence our solidarity with all victims of religious persecution of all faiths. That is why Catholic Relief Services provides assistance on the basis of need not creed, its beneficiaries ranging from Hindu and Muslim victims of religious strife in India to persecuted members of traditional religions and Christians of all denominations in Sudan. Similarly, the U.S. Catholic Conference's Migration and Refugee Services, one of the largest private refugee resettlement agencies in the United States, seeks to obtain refugee status and asylum in the United States for persecuted believers of all faiths.

Even this partial account of worldwide religious persecution, and of our efforts to oppose it and assist its victims, underscores the scope and gravity of this crisis. In all these and in many other cases, we have worked and prayed for greater religious freedom for decades. We welcome new allies in this vital work, as well as the promise of congressional action to advance religious liberty.

In all our activities, we listen first to the pleas of those who are being persecuted and seek their counsel on ways we can reduce their suffering. For us that means close consultation with bishops of a given country as well as with the Holy See. We are convinced that the victims of religious persecution are themselves the best sources of information and advice. They are the experts on their own situation; they understand the cultural and social conditions in which they must struggle for their own liberty, and they are the ones most affected by the protests and actions of outsiders.²

Listening to those who are suffering confirms our conviction that, as Pope John Paul II has said, "religious persecution is an intolerable and unjustifiable violation ... of the most fundamental human freedom, that of practicing one's faith openly, which for human beings is their reason for living."³ Religious persecution is truly a grave evil because it attacks an individual's very identity and most intimate and fundamental values; it undermines conscience and subverts community. Indeed, religious freedom is, as the Holy Father has said, a "cornerstone" of the structure of human rights, an "irreplaceable factor" in both the individual good and the common good, which consists of a just and peaceful social order.⁴

Catholic Conference letter to Immigration and Naturalization Service on religious grounds for asylum in abortion and sterilization cases, February 27, 1990; U.S. Catholic Conference, *A Time for Healing and Dialogue: A Pastoral Reflection on U.S.-Vietnam Relations*, 1989; U.S. Catholic Conference, *A Word of Solidarity, A Call for Justice: A Statement on Religious Freedom in Eastern Europe and the Soviet Union*, 1988; U.S. Catholic Conference, *Religious Liberty in Eastern Europe*, 1977; numerous statements on aspects of religious persecution in Brazil, Chile, El Salvador, Honduras, Guatemala, Nicaragua, Cuba and Mexico in the 1970s and 1980s.

² Examples of those with whom we consult include, among others, Bishop Carlos Ximenes Belo in East Timor, Archbishop Simon Ntamwana in Burundi, Archbishop Rafael Ndingi Mwana A-Nzek and Bishop Macram Max Gassis of Sudan, Cardinal Vinko Puljic in Bosnia and Herzegovina, Archbishop Tadeusz Kondrusiewicz in Russia, Cardinal Jaime Ortega in Cuba, the Bishops' Commission for Social Concerns (CEPS) in Mexico.

³ Address to the Diplomatic Corps, January 1996.

⁴ Pope John Paul II, "World Day of Peace Message," January 1, 1988 *Origins* 17:28 (December 24, 1987): 493.

Religious freedom has both a personal dimension—freedom of conscience—and a social dimension—free exercise of religion.⁵ Freedom of conscience is the freedom to make a personal decision based on one's beliefs free from external coercion. Because human nature is both personal and social, freedom of conscience is tied to the social dimension of religious liberty: the free exercise of religion by and within communities of faith.

Religious liberty covers a broad range of activities, from freedom of worship to the right to establish schools and charities and to participate in and seek to influence public affairs. Therefore, it is inextricably linked to other fundamental human rights, such as freedom of association, freedom of speech, and legal recognition of voluntary associations. It is a right not just of individuals but also of religious communities. Denial of legal status to religious groups violates religious liberty just as surely as discrimination against individual believers.

Given our understanding of religious liberty and our experience with religious persecution, we are encouraged by the increased attention these issues are receiving. In particular, we welcome the ongoing work of the Secretary of State's Advisory Committee on Religious Freedom Abroad, on which two of our bishops serve.

We also welcome congressional efforts to help ensure that religious liberty—a core American value—play its proper role in shaping the U.S. foreign policy agenda. We have supported, and continue to support, the Freedom from Religious Persecution Act (H.R. 2431), which was passed by the House of Representatives last month by an overwhelming 375-41 vote. This bill provides appropriate policy responses to many of the most egregious forms of persecution involving widespread killing, torture, enslavement, forced relocation, confiscation and the like. In these limited cases, the bill would end military aid, sales and financing to some of the world's most brutal regimes that, in many cases, violate not only religious liberty but also the full range of basic human rights. Among other things, the House bill would also end most other forms of U.S. assistance, while exempting humanitarian and development aid to avoid indirect harm to those whom the bill seeks to help.

Both the House bill and the Senate bill share certain common features that we support:

- Both bills seek to promote religious liberty by implementing some of the Secretary of State's Advisory Committee's welcome recommendations, notably in the areas of improved training and incentives, emphasis on religious liberty as a factor in allocating aid and organizing exchanges, as well as other new structures and processes designed to focus attention on this issue. These helpful and carefully considered recommendations deserve prompt implementation.
- Both bills properly address persecution against all believers of all faiths in all countries.
- Both bills mandate official U.S. responses to serious violations of religious liberty, while allowing some flexibility of response. The House bill does so through its waiver provisions, the Senate bill through its menu of options and waiver provisions.
- Both bills rightly link U.S. aid and foreign policy generally to other states' performance on religious liberty, a linkage that the U.S. bishops have long urged for the full range of fundamental human rights.
- Both bills address religious liberty violations primarily through aid cut-offs rather than trade sanctions. Neither bill imposes an embargo. The House bill's sole trade provisions ban U.S. exports of items used in persecution and exports to specific governmental entities directly involved in persecution. The Senate bill includes several trade measures as part of a much broader menu of responses, but these are not its chief focus.
- Both bills properly exempt most humanitarian and development aid in order to avoid indirect harm to vulnerable populations which the bill seeks to help. While seeking to minimize the impact of sanctions on innocent civilians, both bills also attempt to target those directly responsible for persecution. These are essential features of any morally acceptable sanctions regime, as the bishops maintained in their 1993 teaching document, *The Harvest of Justice is Sown in Peace*.

In the matter of sanctions, our experience of a variety of sanctions regimes has led us to be cautious and deliberate in advocating their use as a policy instrument. The bishops have taken a case-by-case approach to the imposition of sanctions, sup-

⁵ See the Second Vatican Council's Declaration on Religious Freedom (*Dignitatis Humanae*) (1965); National Conference of Catholic Bishops, *A Word of Solidarity, A Call for Justice: A Statement on Religious Freedom in Eastern Europe and the Soviet Union* (Washington, D.C.: USCC, 1988): 6-9.

porting them (with adequate humanitarian safeguards) in some cases as an alternative to war (e.g., Iraq and Yugoslavia) and in response to human rights violations (e.g., denial of MFN for China, Jackson-Vanik in Eastern Europe, ending military aid to El Salvador). In other cases we have opposed sanctions, notably in the case of the comprehensive embargo against Cuba.

While we support the aims outlined above, we believe that the Senate bill should be modified and strengthened in several ways.

First, we believe that it is essential to fashion an acceptable definition of actionable persecution, for this definition will in turn determine the bill's coverage. The House bill sets a very high threshold for action by defining persecution in terms of bodily harm and confiscation, thereby limiting that bill's application only to the most egregious cases of persecution. The Senate bill, on the other hand, defines persecution much more broadly, both on the basis of existing U.S. law (the Foreign Assistance Act of 1961) and of widely accepted international declarations and agreements (the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights) by which nearly all states have agreed to be bound. The Senate bill further distinguishes two categories of persecution. One includes lesser violations of religious liberty, such as discrimination, which are to be addressed by various private or public expressions of official U.S. disapproval (options 1-8 of the sanctions menu); the other, more severe category of persecution requires a response selected from a stiffer set of sanctions (options 9-16 of the sanctions menu).

There are undeniable advantages to incorporating definitions of religious persecution that the Administration is bound to enforce under existing U.S. law and by which nearly every state has agreed to be bound under existing international law. Moreover, the Senate bill is based on the appropriate assumption that U.S. policy should be concerned with such violations of religious liberty as wholesale destruction of church property, onerous registration requirements and other unreasonable prohibitions and forms of intimidation short of actual violence that effectively deny freedom of conscience and free exercise of religion.

As a matter of principle, we agree with the sponsors of the Senate bill that all violations of religious liberty are serious matters that the U.S. government should seek to address by means of the wide array of instruments at its disposal. But as a matter of practical judgment, we take seriously the argument that congressional action in this area should focus primarily on the most serious cases of persecution, as the House bill does.

Second, the Senate bill's broad coverage is matched by a correspondingly broad range of policy options from which the president must choose. This approach seeks to strike a balance between two objectives: Congress's rightful and clearly expressed intent to mandate proportionate and effective responses to religious liberty violations and the Executive's concern for maintaining sufficient flexibility to respond to such violations with appropriate measures in specific cases.

The Senate bill's attempt to strike this balance raises several concerns, however. As the current version of the bill allows the president complete discretion to select just one option and to decide how far to apply it, we favor both strengthening and consolidating some of menu options 9-16. In our view, the most severe cases of persecution merit stronger responses. We are also concerned that the "commensurate action" provision, without clearer standards, may unduly undermine the menu approach. We therefore urge the sponsors to strengthen these key provisions as they seek to reconcile the bill with H.R. 2431.

In addition, we are concerned by the provision (sec. 405(d)(2)) that appears improperly to subordinate religious liberty to intellectual property rights.

Third, we support the Senate bill's waiver authority for national security purposes and in cases where the president deems imposing sanctions as counterproductive for those victims whom the bill seeks to help, as we did in the case of H.R. 2431. We are, however, concerned by the additional waiver for cases where the president deems that "substantial steps" are being made to end persecution, given the record of similar waivers in drug cooperation and anti-terrorism legislation. The other waivers seem fully sufficient to meet Administration concerns about flexibility, and we would oppose any broadening (or lowering) of the national security waiver standard to one of "national interest."

Finally, while we welcome the humanitarian exemptions rightly included in the Senate bill, we are concerned that certain types of nonhumanitarian development aid may be subject to the aid cut-off provisions of section 405(a)(9). Given the moral significance of this issue, we would hope that the bill would make clear, either in the language of the bill or in the committee report, that sanctions would not include bilateral aid programs that, while not technically humanitarian in nature, nevertheless have a significant humanitarian impact. Here we are referring to those eco-

conomic, cultural and political development programs, administered by nongovernmental agencies, that directly empower the poor or directly alleviate poverty (e.g., micro-enterprise development, child survival, education, rural infrastructure and agricultural development), as well as those that contribute to the development of civil society and the rule of law. Permitting such aid channeled through nongovernmental organizations would help to avoid the moral problem of punishing the poor, victims of religious persecution and members of opposition groups for the misdeeds of their rulers.

Similarly, multilateral aid that serves the poor and vulnerable should be explicitly exempted from the bill's sanctions. Here we are referring to some of the health, education and grassroots development programs funded under the World Bank's International Development Agency (IDA) and other forms of multilateral development assistance.

In conclusion, while we welcome the higher profile and priority now being given religious liberty, we have been repeatedly disappointed that both the Congress and the Executive, during both Republican and Democratic administrations, have generally placed economic and political interests ahead of religious liberty and human rights. Whether it is China or Indonesia, Sudan, Pakistan, Bosnia or Russia, religious liberty should be a primary concern of U.S. foreign policy.

We remain committed to this bipartisan effort to pass truly effective legislation that advances religious liberty and addresses the plight of those who suffer simply for their faith.